

2017

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ENVIRONMENTAL CONTROL ORDINANCE

Hancock, Maine

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Amended

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SECTION 1: GENERAL PROVISIONS

A. TITLE

This Ordinance shall be known as and may be cited as the “Environmental Control Ordinance of the Town of Hancock, Maine,” and will be referred to herein as the “Ordinance”.

B. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, Section 4352 and Title 38, Section 435 et. seq., of the Maine Revised Statutes Annotated (M.R.S.A.).

C. PURPOSES

The purposes of this Ordinance are as follows:

1. **COMPREHENSIVE PLAN IMPLEMENTATION:** To implement the policies and recommendations of the Hancock Comprehensive Plan;
2. **PRESERVATION OF THE TOWN CHARACTER:** To preserve and protect the character of Hancock by dividing the Town into neighborhood zones according to the use of land and buildings and the intensity of such uses;
3. **PROTECTION OF THE GENERAL WELFARE:** To assure the comfort, convenience, safety, health, and welfare of the present and future inhabitants of the Town of Hancock;
4. **PROTECTION OF THE ENVIRONMENT:** To protect and enhance the natural, cultural, and historic resources of the Town from unacceptable adverse impacts and to integrate new development harmoniously into the Town’s natural environment;
5. **PROMOTION OF COMMUNITY DEVELOPMENT:** To promote the development of an economically sound and stable community;
6. **REDUCTION OF TRAFFIC CONGESTION:** To lessen the danger and congestion of traffic on roads and highways, limit excessive numbers of intersections, driveways, and other friction points, minimize hazards, and insure the continued usefulness of all elements of the exiting transportation system for their planned function;
7. **BALANCING OF PROPERTY RIGHTS:** To protect property rights and values by balancing the rights of landowners to use their land consistent with the corresponding rights of abutting and neighboring landowners, to enjoy their property without undue disturbance from abutting or neighboring uses;
8. **REDUCTION OF FISCAL IMPACT:** To provide a means of evaluating development proposals to determine their fiscal impacts on the municipality’s ability to provide and improve necessary public facilities and services; and
9. **ESTABLISHMENT OF PROCEDURES AND STANDARDS:** To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this ordinance.

SECTION 1: GENERAL PROVISIONS

D. APPLICABILITY

This Ordinance shall apply to all land and water areas within the Town of Hancock. All buildings or structures thereafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land, including the division of land shall be in conformity with the provisions of this Ordinance. No existing or future building, structure, land or water area shall be used for any purpose or in any manner except as provided for in this Ordinance. (See also Shoreland Standards Section 5.C.)

E. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance, that imposing the most restrictive or higher standard shall govern.

F. SEVERABILITY

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other Section, Sub-Section, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS TO ORDINANCE AND OFFICIAL ZONING MAP

The process for amending this Ordinance and the Official Zoning Map is as follows:

1. INITIATION: A proposal to amend this Ordinance or the Official Zoning Map may be initiated by:

- a. The Planning Board, by majority vote;
- b. The Board of Selectpersons, through a request to the Planning Board; or
- c. The Public, through a written petition signed by at least fifty (50) residents registered to vote in the Town of Hancock. When an amendment to this Ordinance is proposed by other than the municipal officers or Planning Board, a non-refundable fee as the same may be established from time to time by the Board of Selectpersons, after notice and hearing, shall accompany the proposal. In addition, the cost of advertising shall be paid by the proposer. (See Fee Schedule)

2. PROCESS OF ADOPTION: The process to be followed in adopting an amendment to this Ordinance or the Official Zoning Map is as follows:

- a. Proposed amendments must first be submitted to the Planning Board for their consideration;
- b. The Planning Board, shall, within thirty (30) days of receiving proposed amendment, set a date to hold a public hearing on the proposed amendment;
- c. Notice of the public hearing shall be given as required by State Law;
- d. The Planning Board shall make its official report at a Board of Selectperson's meeting occurring within sixty (60) days after the public hearing;
- e. Enactment of proposed amendment that does not have the support of the majority vote of the Planning Board shall require a two-thirds (2/3) vote of the voters voting at the Town Meeting; and
- f. Enactment of a proposed amendment having the approval of the Planning Board shall require only a majority of the voters to enact that amendment.

SECTION 1: GENERAL PROVISIONS

G. AMENDMENTS TO ORDINANCE AND OFFICIAL ZONING MAP (Continued)

3. NOTIFICATION OF STATE: The Commissioner of the Department of Environmental Protection shall be notified of amendments to this Ordinance or Zone Boundaries in shoreland areas as required by the Mandatory Shoreland Zoning Act, 38, M.R.S.A., Section 438-A, Sub-Section 3.

Such amendments shall not become effective unless approved by the Commissioner. If the Commissioner fails to act on an amendment within forty-five (45) days, it shall be deemed approved.

H. ANNUAL ADMINISTRATIVE REVIEW

The Code Enforcement Officer, Planning Board, and Board of Appeals each shall report annually, in the month of January, to the Board of Selectpersons on their respective experience with the administration of this Ordinance during the previous year. Their reports to the Board of Selectpersons shall include any recommended amendments they may have that would:

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance; and
2. Enhance the implementation of the purposes of this Ordinance contained in Sub-Section 1.C, paragraphs 1 through 9.

Failure of any person or Board to comply with this provision shall not affect the validity or enforceability of this Ordinance any way.

I. EFFECTIVE DATE

The effective date of this Ordinance or any amendments thereto shall be the day of its/their adoption at a Town Meeting. If the amendment relates to the shoreland area, such amendment shall not become effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance Amendment, attested and signed by the Town Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on an amendment within forty-five (45) days, it shall be automatically approved.

J. SUPERSEDED PRIOR ORDINANCE

The existing Environmental Control Ordinance, which includes shoreland zoning of the Town of Hancock, Maine, as amended, are superseded as of the effective date of this Ordinance. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any violation of the Ordinances superseded by this section, if the violation is also a violation of the provisions of this Ordinance. It is further the intention and direction of this Section that if this Ordinance is, for any reason, held to be invalid or void in its entirety, that the Ordinances superseded by this Section shall be automatically revived.

K. AVAILABILITY

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

SECTION 2: NON-CONFORMITY

A. LEGAL NON-CONFORMITY DEFINED (GRANDFATHERING)

A legally existing (grandfathered) non-conforming lot, structure, sign or use that lawfully existed immediately prior to the enactment of the Ordinance, or any subsequent amendment hereto, and which, as a result of the enactment or subsequent amendment, fails to comply with any of the requirements of this Ordinance. Such requirements shall include, but are not limited to, the use restrictions and lot standards for the zone in which it is located, or any Land Use Standards set forth in Section 5. An illegal non-conformity is any lot, structure, sign or use that fails to comply with any of the requirements of the Ordinance in effect at the time. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. GENERAL PROVISIONS

The following provisions apply to non-conformities generally:

1. **NORMAL REPAIR AND MAINTENANCE:** The normal upkeep and maintenance of non-conforming structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as Federal, State, or local building and safety codes may require are permitted.
2. **TRANSFER OF OWNERSHIP:** Any legal non-conformity may be transferred and the new owner may, subject strictly to the requirements of this Section, continue such non-conformity, provided, however, that nothing contained herein shall be construed to permit any person or entity to occupy or use any lot or structure or to continue any use in violation of any other Federal, State or Municipal statute, ordinance, or regulation.
3. **ILLEGAL NON-CONFORMITY:** Any illegal non-conformity shall cease or be corrected as soon as possible. Any continuation of an illegal non-conformity is a violation of this Ordinance.
4. **BURDEN OF PROOF RELATED TO ESTABLISHING LEGAL NON-CONFORMITY:** The burden of establishing that any non-conformity is a legal non-conformity shall, in all cases, be upon the owner of such non-conformity and not upon the Town of Hancock.
5. **CONVERSION TO CONFORMITY ENCOURAGED:** All non-conformities shall be encouraged to convert to conformity whenever possible and, when required by this Ordinance, shall convert to conformity.
6. **REVERSION TO NON-CONFORMITY PROHIBITED:** Once converted to conformity, no lot, structure, or use shall revert to non-conformity.

C. NON-CONFORMING STRUCTURES

The following provision shall apply to non-conforming structures:

1. **EXPANSION OF NON-CONFORMING STRUCTURES:** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority identified in Section 4, as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. Such expansion is further limited as follows:
 - a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a water body, wetland, or tributary stream, that portion of the structure shall not be expanded in floor area or volume, by more than thirty percent (30%), during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 2:C.3, and is less than the required setback from a water body,

SECTION 2: NON-CONFORMITY

C. NON-CONFORMING STRUCTURES (continued)

tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure,

- 1) the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, or its designee, basing its decision on the criteria specified in Section 2:C.2 Relocation, below. If
- 2) the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 2:C.1.a) above, and
- 3) the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

c) No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream or wetland.

2. RELOCATION OF NON-CONFORMING STRUCTURES: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State Law and the State of Maine Subsurface Wastewater Disposal Rules or that a new system can be installed in a manner that causes the system to be less non-conforming.

In determining whether the building relocation meets the setback to the “greatest practical extent”, the Planning Board, or its designee, shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

SECTION 2: NON-CONFORMITY

C. NON-CONFORMING STRUCTURES (continued)

- b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

- 3. RECONSTRUCTION OR REPLACEMENT OF NON-CONFORMING STRUCTURES: Any non-conforming structure which is located less than the required setback from a water body, tributary stream, wetland, or from the property line, or which otherwise fails to meet the dimensional requirements of the Ordinance, and which is removed, or damaged or destroyed, regardless of the cause, by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced within eighteen months of the date of said damage, destruction, or removal, provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirements to the greatest practical extent as determined by the Planning Board or it's designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 2:C.1. above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 2:C.2. above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets setbacks to the "greatest practical extent" the Planning Board, or its designee, shall consider in addition to the criteria in Section 2:C.2. above, the type of foundation present, if any. It is not the intent of this Section to require the destruction of functional concrete or block foundations in order to meet setback requirements.

- 4. CHANGE OF USE OF A NON-CONFORMING STRUCTURE IN THE SHORELAND AREA: The use of a non-conforming structure in the Shoreland Area may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will not have a greater adverse impact on the water body, tributary stream, or wetland, or on the property on which it is located or on adjacent properties and resources than the existing use.

In determining that "no greater adverse impact" will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and other functionally water-dependent uses.

SECTION 2: NON-CONFORMITY

D. EXISTING NON-CONFORMING MOBILE HOMES

Notwithstanding any other provision of this Ordinance, the lawful use of a mobile home as a single family dwelling, in any zone, which use legally existed on the date of the enactment of this Ordinance may be continued, except that the mobile home shall not be:

1. Rebuilt, altered, or repaired after being damaged in excess of fifty percent (50%) of its replacement cost at the time of destruction as determined by the Code Enforcement Officer, except that such mobile home may be replaced as provided in the exception contained in paragraph 2, below, or may be rebuilt or repaired to its original condition if the mobile home had, before destruction, been certified or excluded as provided in said exception; or
2. Replaced with a different mobile home, unless the new mobile home is certified, pursuant to 42 U.S.C. Sub-Section 5415, as amended, as conforming to all applicable Federal manufactured home construction and safety standards, or is excluded from the coverage of 42 U.S.C. SubSection 5401 et seq.

Any mobile home lawfully used as a single-family dwelling may be improved by the addition of a foundation or by other new construction, alteration, or repair, subject to the requirements of any applicable building code or other law, and subject to the other provisions of Section 5.

E. NON-CONFORMING USES The following provisions shall apply to non-conforming uses:

1. EXPANSION: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 2:C.1. above. However, when the nonconforming use is not changed in character, mere increase in the amount or intensity of the nonconforming use within the same area does not constitute an improper expansion of a nonconforming use.
2. RESUMPTION PROHIBITED: A lot, building, or structure in or on which a non-conforming use ceases to be actively pursued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use.
3. CHANGE OF USE: An existing nonconforming use may not be changed to another nonconforming use.

F. NON-CONFORMING LOTS

1. NON-CONFORMING LOTS: A single, vacant parcel of land, the legal description or dimensions of which are recorded on a document or map on file at the Hancock County Registry of Deeds at the effective date of this Ordinance or any amendment, and which, as a result of the enactment or respective amendment of this Ordinance, does not meet the lot area, lot width, and shore frontage requirements of the Zone in which it is located, and which does not adjoin another parcel in common ownership, may be built upon, without the need for a variance, subject to the following:
 - a. Such building or construction shall, in all other respects, comply with the provisions of this Ordinance.
 - b. No construction shall be commenced until the owner demonstrates to the satisfaction of the Code Enforcement Officer that there is reasonable access to the site for emergency vehicles.
 - c. Such building shall be limited to single-family dwellings and accessory structures.

SECTION 2: NON-CONFORMITY

F. NON-CONFORMING LOTS (continued)

Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

2. **CONTIGUOUS BUILT LOTS:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. Sections 4807-A through 4807-D) and State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. **CONTIGUOUS LOTS - VACANT OR PARTIALLY BUILT:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

In the Shoreland Zone, this provision shall not apply to two (2) or more contiguous lots, at least one (1) of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- a. Each lot contains at least one hundred feet (100') of shore frontage and at least twenty thousand (20,000) square feet of lot area; or
- b. Any lots that do not meet the frontage and lot size requirements of Section 2:F.3.a. are reconfigured or combined so that each new lot contains at least one hundred feet (100') of shore frontage and twenty thousand (20,000) square feet of lot area.

Section 2:F.3.a. and b. shall apply to two or more contiguous lots owned by the same person or persons as of May 14, 1994.

SECTION 3: ESTABLISHMENT OF ZONES

A. OFFICIAL ZONING MAP

The Town of Hancock, Maine is hereby divided into the following zones as shown on the Official Zoning Map:

1. (RP) Resource Protection Zone
2. (AP) Aquifer Protection Overlay Zone
3. (SP) Stream Protection Zone
4. (SR) Shoreland Residential Zone
5. (SD) Shoreland Development Zone
6. (RU) Rural Undeveloped Zone
7. (RR) Rural/Residential Zone
8. (C) Commercial Zone
9. (MH) Mobile Home Park Zone
10. (I) Industrial Zone

The Official Zoning Map of the Town of Hancock, Maine and all future amendments thereto, shall be available at the Town Office and is hereby made part of and incorporated into this Ordinance.

B. CERTIFICATION OF OFFICIAL ZONING MAP

The Official Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the Town Office.

C. CHANGES TO THE OFFICIAL ZONING MAP

If amendments, in accordance with Section 1.G, are made in the zone boundaries or other matter portrayed on the Official Zoning Map, and if such changes relate to the Shoreland Area, such changes shall be made on the Official Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection. All other changes to the Official Zoning Map become effective upon their adoption.

D. ESTABLISHMENT OF ZONES

1. (RP) RESOURCE PROTECTION ZONE

The Resource Protection Zone shall include areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This zone shall include the following areas, independent of individual property lines:

- a. Land within two hundred fifty (250) feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, and all freshwater wetlands which are rated “moderate” or “high” value waterfowl and wading bird habitat, including nesting and feeding areas by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river;

SECTION 3: ESTABLISHMENT OF ZONES

D. ESTABLISHMENT OF ZONES (continued)

1. (RP) RESOURCE PROTECTION ZONE (continued)

- b. Flood plains along rivers, flood plains along artificially formed great ponds along rivers, and flood plains adjacent to tidal waters, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) flood insurance rate maps or flood hazard boundary maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
- c. Land within shoreland areas of two or more contiguous acres with sustained slopes of 20% or greater;
- d. Land within shoreland areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water; and
- e. Such other important wildlife habitat, natural sites of scenic or aesthetic value, historic or archaeologically significant sites, within the Shoreland Area, as have been identified as significant and requiring protection by the Town's Comprehensive Plan or so identified by an appropriate State or Federal Agency.

2. (AP) AQUIFER PROTECTION OVERLAY ZONE

The Aquifer Protection Overlay Zone shall include all lands within the boundaries of the town's identified significant sand and gravel aquifers plus all lands laying outside and within three hundred feet (300') outside its mapped boundaries, as determined by the 1988 Maine Geological Survey, independent of individual property lines. The Lamoine and Ellsworth Planning Boards shall be notified of all applications in the Aquifer Protection Overlay Zone and be invited to submit their comments.

3. (SP) STREAM PROTECTION ZONE

The Stream Protection Zone shall include all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area is located within two hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

4. (SR) SHORELAND RESIDENTIAL ZONE

The Shoreland Residential Zone shall include land within two hundred fifty feet (250'), horizontal distance, of shoreland areas not otherwise designated as a (RP) Resource Protection, (SP) Stream Protection, or (SD) Shoreland Development.

5. (SD) SHORELAND DEVELOPMENT ZONE

The Shoreland Development Zone shall include all lands within the Shoreland Area, which is not otherwise zoned as a (RP) Resource Protection, (SP) Stream Protection, or as a (SR) Shoreland Residential Zone.

SECTION 3: ESTABLISHMENT OF ZONES

D. ESTABLISHMENT OF ZONES (continued)

6. (RU) RURAL UNDEVELOPED ZONE

The Rural Undeveloped Zone shall include all lands North of Route 1 and West of Route 182 shown on the Official Map as Rural Undeveloped Zone, which are not otherwise zoned as (C) Commercial, (I) Industrial, (MH) Mobile Home Park Zone, (RP) Resource Protection, or (SP) Stream Protection.

7. (RR) RURAL/RESIDENTIAL ZONE

The Rural/Residential Zone shall include all other land within Town which is not designated as a (RP) Resource Protection, (SP) Stream Protection, (SR) Shoreland Residential, (SD) Shoreland Development, (MH) Mobile Home Park, (C) Commercial or as an (I) Industrial Zone.

8. (C) COMMERCIAL ZONE

The Commercial Zone shall include all lands identified as Commercial in the May 13, 1991 revision of the Town of Hancock Environmental Control Ordinance (land West of Thorsen Road to the Ellsworth border; within 1/4 mile of Route 1, within 1/4 mile of Mud Creek Road, within 1/4 mile of Route 182, and within 1/4 mile of Old Route 1; and a triangular area near McNeil Point in South Hancock) shown on the Official Map as Commercial Zone, which are not otherwise zoned as (I) Industrial, (MH) Mobile Home Park, (RP) Resource Protection, (SP) Stream Protection, (SD) Shoreland Development, or as a (SR) Shoreland Residential Zone.

9. (MH) MOBILE HOME PARK ZONE

The Mobile Home Park Zone shall include the property associated with all existing mobile home parks, which are not otherwise zoned as a (RP) Resource Protection, (SP) Stream Protection, (SD) Shoreland Development, or as a (SR) Shoreland Residential Zone.

10. (I) INDUSTRIAL ZONE

The Industrial Zone shall include all lands at Washington Junction and on Route 1, in the vicinity of MacQuinn Road, as shown on the Official Zoning Map, which are not otherwise zoned as a (RP) Resource Protection, (SP) Stream Protection, (SD) Shoreland Development, or as a (SR) Shoreland Residential Zone.

E. OFFICIAL ZONING MAP

Zones established by this Ordinance are defined and bounded as shown on the official "Zoning Map of Hancock, Maine" which, together with its notations and amendments made from time to time, is hereby made a part of this Ordinance.

The official copy of the map shall be that map which bears the certification that it is true and correct, signed by the Chairman of the Planning Board and attested by the Town Clerk, and on file in the office of the Town Clerk.

SECTION 3: ESTABLISHMENT OF ZONES

F. INTERPRETATION OF ZONE BOUNDARIES

Where uncertainty exists as to boundary lines of Zones as shown on the official "Zoning Map of Hancock, Maine," the following rules of interpretation shall apply for zoning purposes only; and not for assessment or conveyance.

1. Boundaries indicated as approximately following the center lines of streets, highways, public utilities or right-of-ways shall be construed as following such center lines;
2. Boundaries indicated as approximately following property lines shall be construed as following property lines;
3. Boundaries indicated as approximately following shore lines of any streams, tidal waters, lake or pond and the upland edge of freshwater and coastal wetlands shall be construed as following the normal high water mark;
4. Boundaries indicated as being the extension of center lines of streets or rights of way shall be construed to be the extension of such center lines;
5. Boundaries indicated as being the extension of property lines shall be construed to be extensions of such property lines;
6. Boundaries indicated as approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such watercourses;
7. Boundaries indicated as being parallel to or extension of features listed above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map; and
8. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Board of Appeals shall interpret the zone boundaries.

SECTION 4: SCHEDULE OF USES

A. ACTIVITIES DESCRIBED

A matrix listing the uses permitted in the various Zones, under this Ordinance follows.

The various land uses contained in the matrix are organized according to the following eight (8) activity classifications:

1. Non-Commercial Recreational Activities
2. Resource Management Activities
3. Resource Extraction Activities
4. Residential Activities
5. Institutional Activities
6. Commercial Activities
7. Industrial Activities
8. Transportation and Utilities

B. COMPLIANCE WITH LAND USE STANDARDS REQUIRED

All uses permitted must occur and be maintained in compliance with the applicable requirements and Land Use Standards contained in Section 5.

C. SYMBOLS USED IN SCHEDULE OF USES

The following symbols contained in the Schedule of Uses have the following meanings:

1. ZONE SYMBOLS

SYMBOL	DESCRIPTION
RP	Resource Protection Zone
SP	Stream Protection Zone
SR	Shoreland Residential Zone
SD	Shoreland Development Zone
RU	Rural Undeveloped Zone
RR	Rural/Residential Zone
C	Commercial Zone
MH	Mobile Home Park Zone
I	Industrial Zone

2. PERMIT REQUIRED SYMBOLS

SYMBOL	DESCRIPTION
Y	Use allowed Without a Permit.
C	Use Requiring a Building Permit from the Code Enforcement Officer pursuant to Section 6 of this Ordinance.
P	Use Requiring Approval of the Planning Board and possibly Site Plan Review and Approval pursuant to Section 7, of this Ordinance.
N	Use Prohibited Within the Zone.
NA	Not Applicable.
LPI	Use Requiring Approval of the Local Plumbing Inspector pursuant to Section 6 of this Ordinance.

SECTION 4: SCHEDULE OF USES

D. USES SUBSTANTIALLY SIMILAR TO PERMITTED USES MAY BE PERMITTED

1. USES ALLOWED WITHOUT A PERMIT

Uses substantially similar to those allowed without a permit, but are not listed in the Schedule of Uses, may be permitted upon a ruling by the Code Enforcement Officer that such use is substantially similar to such uses.

2. USES REQUIRING A BUILDING PERMIT FROM THE CODE ENFORCEMENT OFFICER

Uses substantially similar to those requiring the review and approval of the Code Enforcement Officer under this Ordinance, but which are not listed in the Schedule of Uses, may be permitted by the Code Enforcement Officer.

3. USES REQUIRING SITE PLAN REVIEW AND APPROVAL OF THE PLANNING BOARD

Uses substantially similar to those requiring approval of the Planning Board and possibly Site Plan Review and Approval under this Ordinance, but which are not listed in the Schedule of Uses, may be permitted by the Planning Board.

E. USES SUBSTANTIALLY SIMILAR TO PROHIBITED USES ARE PROHIBITED.

Uses substantially similar to any uses listed as a Prohibited Use in the Schedule of Uses, as determined by the Code Enforcement Officer, shall be prohibited.

F. USES PERMITTED IN THE AQUIFER PROTECTION OVERLAY ZONE

Uses permitted in the Aquifer Protection Overlay Zone shall be those permitted in the underlying classification provided that such use or activity has been reviewed by the Planning Board and based upon a Ground Water Impact Analysis prepared by either a registered geologist or soil scientist, at the discretion of the Board, and the Board is able to make written findings of fact that the use or activity proposed will not have an adverse impact on the quantity or quality of ground water resources.

G. USES PERMITTED IN THE LANDFILL AREA PROTECTION (LAP) OVERLAY ZONE

Uses permitted in the Landfill Area Protection (LAP) Overlay Zone shall be those permitted in the underlying classification, provided that such use or activity is compatible with the LAP Ordinance and has been approved and reviewed by the CEO or Planning Board.

SECTION 4: SCHEDULE OF USES

H.SCHEDULE OF USES

ACTIVITIES/ZONES	RP	SP	SR	SD	RU	RR	C	MH	I
1. NON-COMMERCIAL RECREATIONAL ACTIVITIES									
a) Non-intensive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent camping, canoe portaging, cross country skiing, and snowshoeing with permission of landowner	Y	Y	Y	Y	Y	Y	Y	Y	Y
b) Trails, provided they are constructed and maintained so as to avoid sedimentation of water bodies	C	C	C	C	Y	Y	Y	Y	Y
c) Motorized vehicular traffic on existing roads and trails, and snowmobiling with permission of landowner	Y	Y	Y	Y	Y	Y	Y	Y	Y
d) Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland									
1. Temporary	C ¹	C ¹	C ¹	C ¹	N/A	N/A	N/A	N/A	N/A
2. Permanent ²	P	P	P	P	N/A	N/A	N/A	N/A	N/A
e) Individual private campsites ³	N	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	C ⁴	N	C ⁴
f) Accessory structures and uses that are subordinate to the principal use listed above	C	C	C	C	C	C	C	C	C
2. RESOURCE MANAGEMENT ACTIVITIES									
a) Agriculture	P	Y	Y	Y	Y	Y	Y	Y	Y
b) Clearing or removal of vegetation for activities other than timber harvesting	C	C	C	C	Y	Y	Y	Y	Y
c) Wildlife and fishery management practices	Y	Y	Y	Y	Y	Y	Y	Y	Y
d) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations	Y	Y	Y	Y	Y	Y	Y	Y	Y
e) Surveying and other resource analysis	Y	Y	Y	Y	Y	Y	Y	Y	Y
f) Soil and water conservation practices	Y	Y	Y	Y	Y	Y	Y	Y	Y
g) Forest management activities not including timber harvesting, and land management roads	Y	Y	Y	Y	Y	Y	Y	Y	Y
h) Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring, diggings, and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition	Y ⁵	N	Y ⁵	Y ⁵	Y ⁵	Y ⁵	Y ⁵	Y ⁵	Y ⁵
i) Non-commercial and non-residential structures for scientific, educational, or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by the district in which it is located	P	P ⁶	C	C	C	C	C	C	Y
j) Accessory structures and uses that are subordinate to the principal use listed above	C	C	C	C	C	C	C	C	C

SECTION 4: SCHEDULE OF USES

H. SCHEDULE OF USES

ACTIVITIES/ZONES	RP	SP	SR	SD	RU	RR	C	MH	I
3. RESOURCE EXTRACTION ACTIVITIES									
a) Commercial timber harvesting and production of commercial forest products, in compliance with the applicable Land Use Standards regarding Timber Harvesting and under the supervision of a registered professional forester	C ²³	N	C ²³	C ²³	Y	Y	Y	Y	Y
b) Production of commercial agriculture products, in compliance with the applicable Land Use Standards regarding Agriculture in Section 5	P	N	P	P	Y	Y	Y	Y	Y
c) Mineral extraction affecting an area of less than 1 acre in size	N	N	N	N	P	N	P	N	P
d) Mineral extraction affecting an area 1 acre or greater in size	N	N	N	N	N	N	N	N	P
d-1) Mineral extraction affecting an area of less than 5 acres in size	N	N	N	N	P	N	N	N	P
e) Filling, grading, draining, dredging, or alteration of water table or water level, not including individual wells in accordance with DEP regulations	C	C	C	C	C	C	C	C	C
f) Large-Scale Water Extraction Activities ²²	N	N	N	N	N	N	N	N	P
g) Accessory structures and uses that are subordinate to the principal use listed above	C	N	C	C	C	C	C	C	C
4. RESIDENTIAL ACTIVITIES									
a) Single-Family Detached Dwelling ⁷	P ⁸	N	C	C	C	C	C	C	C
b) Manufactured Housing ⁷	P ⁸	N	C	C	C	C	C	C	C
c) Multi-family Dwelling: 2 family duplexes ⁹	N	N	N	N	C	C	C	N	C
d) Multi-family Dwelling: 3 or more families, including apartments, grouped houses and row houses ⁹	N	N	N	N	P	N	P	N	P
e) New Mobile Home Parks	N	N	N	N	N	N	N	P	N
f) Nursing Home and Congregate Housing	N	N	N	N	P	N	P	N	P
g) Community Living Arrangement	P ⁸	N	C	C	C	C	C	C	C
h) Home Occupations	P ¹⁰	N	P	C	Y	Y	Y	Y	Y
i) Bed and Breakfast	N	N	P	C	C	C	C	N	C
j) Seasonal Conversion	N	N	LPI	LPI	LPI	LPI	LPI	LPI	LPI
k) Accessory structures and uses that are subordinate to the principal use listed above	P	N	C	C	C	C	C	C	C
5. INSTITUTIONAL ACTIVITIES									
a) Hospital and Medical Clinic	N	N	N	N	P	N	P	N	P
b) Government Facilities and Grounds	N	N	N	P ¹¹	P	N	P	N	P
c) Public Schools	N	N	N	N	P	N	P	N	P
d) Private Schools (under 15 students)	N	N	P ¹¹	P	P	P	P	P	P
e) Day Care Facility	N	N	N	N	P	P	P	P	P
f) Churches	N	N	N	N	P	P	P	N	P
g) Cemetery	N	N	N	N	P	P	P	N	P
h) Fraternal Orders and Service Clubs	N	N	N	N	P	N	P	N	P
i) Summer Youth Camp	N	N	N	P ¹¹	P	P	P	N	P
j) Museum	N	N	N	P ¹¹	P	P	P	N	P
k) Conference Centers	N	N	N	N	P	N	P	N	P
l) Research and Development Facility	N	N	N	P ¹¹	P	N	P	N	P
m) Accessory structures and uses that are subordinate to the principal use listed above	N	N	C	C	C	C	C	C	C

SECTION 4: SCHEDULE OF USES

H. SCHEDULE OF USES (continued)

ACTIVITIES/ZONES	RP	SP	SR	SD	RU	RR	C	MH	I
6. COMMERCIAL ACTIVITIES									
a) Automobile Sales Lot	N	N	N	N	N	N	P	N	C
b) Recreational vehicles, boats, mobile homes, farm machinery, and equipment sales	N	N	N	P ¹¹	N	N	P	P ¹²	C
b2) Land-based Commercial Fishing and Aquaculture Activities	N	N	N	P	N	N	N	N	N
c) Automobile Service Station ¹³	N	N	N	N	P	N	P	N	C
d) Automobile Repair Garage ¹³	N	N	N	N	N	N	P	N	C
e) Private, Public and Commercial Parking Garage/Parking lot	N	N	N	N	N	N	P	C	P
f) Retail Establishments	N	N	N	P ¹¹	P	N	P	C	C
g) General Contractors, Construction, Plumbing and Heating Contractors	N	N	N	P ¹¹	N	N	P	N	C
h) Banks, Credit Unions and similar Financial Institutions	N	N	N	N	N	N	P	N	P
i) Non-Industrial Lumber Yard	N	N	N	N	N	N	P	N	C
j) Laundry/Dry Cleaning Establishment ¹⁴	N	N	N	N	N	N	P	C	C
k) Restaurant	N	N	N	P	P	P	P ¹⁵	C	C
l) Cocktail Lounge	N	N	N	P	N	N	P	N	C
m) Professional Offices and Office Building	N	N	N	N	P	P	P	N	P
n) Repair Service (other than auto)	N	N	N	P ¹¹	N	N	P	C	C
o) Funeral Parlors	N	N	N	N	N	N	P	N	C
p) Commercial Greenhouse and Nurseries	N	N	N	N	P	N	P	N	C
q) Commercial Complex(e.g. shopping malls)	N	N	N	N	N	N	P ¹⁵	N	P
r) Theater	N	N	N	N	N	N	P	N	P
s) Health Spas, Fitness Clubs, Gymnasiums, etc.	N	N	N	N	P	N	P	C	P
t) Commercial Outdoor Recreation Activities and Uses (not elsewhere listed, and as defined herein)	N	N	N	P ¹¹	P	N	P ¹⁵	N	P
u) Commercial Indoor Recreation Activities and Uses (not elsewhere listed, and as defined herein)	N	N	N	N	N	N	P	C	P
v) Transient Accommodations: Motels, Hotels, Inns	N	N	N	N	P	N	P	N	P
w) Transient Accommodations: Campgrounds	N	N	N	N	P	N	P	N	P
x) Commercial Kennels and Stables	N	N	N	N	P	N	P	N	P
y) Roadside Stands ¹⁶	N	N	C	C	C	C	C	C	C
z) Accessory Structures and Uses subordinate to the principal use listed above	N	N	C	C	C	C	C	C	C

SECTION 4: SCHEDULE OF USES

H. SCHEDULE OF USES (continued)

ACTIVITIES/ZONES	RP	SP	SR	SD	RU	RR	C	MH	I
7. INDUSTRIAL ACTIVITIES									
a) Lumber Yard and Building Materials	N	N	N	N	N	N	P	N	P
b) Transportation Facility and Terminal Yard	N	N	N	N	N	N	N	N	P
c) Bulk Oil and Fuel Tank Storage, except for on-site heating purpose	N	N	N	N	N	N	N	N	P
d) Food Processing and Freezing	N	N	N	P ¹¹	N	N	P	N	P
e) Junk Yards and automobile graveyards	N	N	N	N	N	N	N	N	P
f) Light Manufacturing Assembly Plant	N	N	N	N	N	N	P	N	P
g) Newspaper and Printing Facility	N	N	N	N	N	N	P	N	P
h) Other Processing and Manufacturing Facilities	N	N	N	N	N	N	N	N	P
i) Warehousing and Storage Facility	N	N	N	N	N	N	P ¹⁷	N	P
j) Wholesale Business Facility	N	N	N	N	N	N	P	N	P
k) Sewage Collection and Treatment Facilities	N	N	N	P	N	N	N	N	P
l) Accessory Structures and Uses subordinate to the principal use listed above	N	N	N	C	N	N	C	N	C
8. TRANSPORTATION AND UTILITIES									
a) Public and private road construction ¹⁸	N ¹⁹	P	P	P	Y	Y	Y	Y	Y
1. Driveways ¹⁸	N ¹⁹	N	C	C	Y	Y	Y	Y	Y
b) Service drops	Y	Y	Y	Y	Y	Y	Y	Y	Y
c) Essential Services	P ²⁰	P ²⁰	P	P	P	P	P	P	P
1. Roadside distribution lines (34.5kV and lower)	C ²⁰	C ²⁰	Y	Y	Y	Y	Y	Y	Y
2. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	P ²⁰	P ²⁰	C	C	N/A	N/A	N/A	N/A	NA
3. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	P ²⁰	P ²⁰	P	P	N/A	N/A	N/A	N/A	N/A
4. Other essential services	P ²⁰	P ²⁰	P	P	P	P	P	P	P
d) Small Wind Energy Systems maximum capacity 10kW	N	N	P	P	P	P	P	N	P
e) Wireless Telecommunication Facilities	N	N	N	N	N	N	P	N	P
e-1) Wireless Telecommunication Facility expansion or colocation that does not increase WTF tower height ²¹	N	N	N	N	N	N	C	N	C
e-2) Amateur (ham) radio and private mobile radio service towers not to exceed 195 feet in height	N	N	Y	Y	Y	Y	Y	Y	Y
f) Radio and TV Studios, Offices and Towers	N	N	N	N	N	N	P	N	P
g) Private, Public and Commercial Parking Garages/Structures	N	N	N	N	N	N	P	C	P
h) Land management roads	P	Y	Y	Y	Y	Y	Y	Y	Y
i) Airports, provided such are not closer than 500 feet to any dwelling and will not create a nuisance in the immediate neighborhood	N	N	N	N	N	N	N	N	P
j) Accessory Structures and Uses that are subordinate to the principal use listed above	C	C	C	C	C	C	C	C	C

SECTION 4: SCHEDULE OF USES

FOOTNOTES:

- ¹ Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- ² Retaining walls and rip-rap require a DEP permit.
- ³ Provided that such sites are not used by more than 10 persons at one time and are not used for more than 60 days in any one calendar year.
- ⁴ Private individual campsites, located on lots containing another permitted residential use, shall be considered accessory uses in this Zone under Section 4:H.1.f).
- ⁵ Requires permit from CEO if more than 100 square feet of surface area, in total, is disturbed.
- ⁶ Provided a setback variance is obtained from the Board of Appeals.
- ⁷ If in the floodplain see Section 5:C.12.c.
- ⁸ Single family residential structures may be allowed by special exception only according to the provisions of Section 5.B.7.a.1).
- ⁹ In AP Overlay Zone requires Planning Board approval. (See Section 5:B.32.a.4)
- ¹⁰ If a single family dwelling is allowed by special exception. (See Section 5:B.7.a.1)
- ¹¹ Marine related uses only.
- ¹² Mobile home sales only.
- ¹³ In AP Overlay Zone requires Planning Board approval. (See Section 5:B.32.a.14)
- ¹⁴ In AP Overlay Zone requires Planning Board approval. (See Section 5:B.32.a.13)
- ¹⁵ Fast-food restaurants, shopping malls and commercial outdoor recreation activities are not permitted along Route 1.
- ¹⁶ Provided that they meet the parking requirements of Section 5:B.21.
- ¹⁷ Light warehousing and storage only (400 square feet per unit).
- ¹⁸ Road entrances that abut Hancock's town roads require Hancock Town Entrance Permits; those that abut state roads require State Entry Permits. (See Section 5:B.1.c)
- ¹⁹ Except as provided in Appendix C.
- ²⁰ See further restrictions in Section 5:C.6.
- ²¹ Wireless Telecommunication Facility expansion or colocation that increases WTF tower height requires Planning Board review.
- ²² Large-scale water extraction activities refers to extraction of 5,000 or more gallons of water per day for transport out of the Town of Hancock. See Hancock Water Extraction Ordinance (WEO).
- ²³ Refer to Appendix C. Timber Harvesting and Timber Harvesting definition. Contact Maine Forest Service.

Note: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream, or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

SECTION 5: LAND USE STANDARDS (General)

A. PURPOSE

The purpose of the regulations contained in this section is to allow maximum utilization of land while assuring against adverse impacts on the environment, neighboring properties, and the public interest. This assurance is provided by separating the area of the Town of Hancock into zones and permitting specific land uses within each, provided that a use meets all the additional standards specified in this Section.

B. GENERAL STANDARDS

The following Land Use Standards shall govern all Permits and Approvals issued by the Code Enforcement Officer and the Planning Board.

Shoreland Standards are included in Section 5.C which apply to land uses within two hundred fifty feet (250'), horizontal distance, of the normal high-water line of any great pond or river, upland edge of a coastal wetland, including all areas affected by tidal action, or upland edge of a freshwater wetland, and seventy five feet (75'), horizontal distance, from a stream, or tributary stream. These shoreland standards are those mandated by the State of Maine as part of the Mandatory Shoreland Zoning Law (38 M.R.S.A. Sections 435-446).

In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall consider the following performance standards prior to issuing final approval. In all instances the burden of proof shall be upon the applicant.

1. ACCESS TO THE SITE

a. CAPACITY OF OFF-SITE ROADS

Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Intersections on major access routes to the site within one-half (1/2) mile of any entrance road which are functioning at a Level of Service of C or better prior to the development shall function at a minimum at Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project shall not reduce the current Level of Service.

The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

- 1) A public agency has committed funds to construct the improvements necessary to bring the level of access to the required standard; or
- 2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to the required standard and will guarantee the completion of the improvements within one (1) year of approval of project.

b. VEHICULAR ACCESS

The following standards apply to design and construction of vehicular access to properties:

- 1) Each property shall be provided with vehicular access to the property by abutting private or public ways. Private right-of-ways shall be protected by permanent easements.

SECTION 5: LAND USE STANDARDS (General)

B.1.ACCESS TO THE SITE (continued)

- 2) The following criteria shall be followed for entrances and/or driveways to any use other than single and two-family dwellings:
 - a) All entrance and exit driveways shall be located and designed in profile and grading to afford safety to traffic, provide for safe and convenient ingress and egress, to and from the site, and to minimize conflict with the flow of traffic.
 - b) The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily.
 - c) Provision shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times.
 - d) For a distance of twenty feet (20') from the intersection of any two (2) streets along street lines no wall, fence, sign, or other structure and no hedges, trees, or other growth shall be planted or erected in such a manner as to materially impede vision between a height of two and one-half (2 ½) and ten feet (10') above street level.
 - e) Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum site distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten feet (10') behind the curbline or edge of shoulder.

Allowable speed (Miles per hour)	Required Site Distance (Feet)
25	250
35	350
40	400
45	450
50	500
55	550

- f) Where a site occupies a corner of two (2) intersection roads, no driveway entrance or exit shall be located with 50 feet (50') of the point of tangency of the existing or proposed curb radius of that site. Access to the lot shall be provided across the frontage and to the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians.
 - g) The intersection of any access drive or proposed street shall function at a Level of Service of C following development if the project will generate four hundred (400) or more vehicle trips per twenty-four (24) hour period or at a level which shall allow safe access into and out of the project if less than four hundred (400) trips are generated. Projects generating four hundred (400) or more vehicle trips per twenty-four (24) hour period shall provide two (2) or more separate points of vehicular access into and out of the site.

SECTION 5: LAND USE STANDARDS (General)

B.1.ACCESS TO THE SITE (continued)

- h) In all Zones where two (2) or more driveways connect on a single site to any one (1) road, a minimum clear distance of one hundred feet (100') measured along the right-of-way shall separate the closest edges of any two (2) such driveways, unless the driveways are one way only, then the minimum clear distance shall be no less than fifty feet (50').
- i) Angles. Driveways used for two-way operation shall intersect the road at an angle of or as near to ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees. Driveways used by vehicles in one (1) direction of travel (right-turn only) shall not form an angle smaller than forty-five (45) degrees with the road, unless acceleration and deceleration lanes are provided.
- j) Dimensions. The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated. The required maximum and minimum dimensions for driveways are indicated below. Driveways serving large volumes of daily traffic or traffic over fifteen percent (15%) truck shall be required to utilize high maximum dimensions.

	One-Way Operation Driveways* Width (Feet)	Two-way Operation Driveways* Width (Feet)
Three (3) to ten (10) dwelling units	10 to 15	15 to 25
Ten (10) dwelling units or more	15 to 25	20 to 35
Commercial and industrial	15 to 30	25 to 35
*All driveways shall be five feet (5) wider at the curbline and this additional width shall be maintained for a distance of twenty feet (20') into the site.		

- k) Grades. Driveways shall not have a grade in excess of ten percent (10%) over the entire length. For all driveways entering onto Routes 1 and 182, the grade shall not be more than three percent (3%) for the first one hundred feet (100') from the road. Driveways shall not be located where visibility is limited because of curves or topography.
- l) Stacking or Queuing Space Standards for Drive-Through Businesses: Stacking or queuing spaces shall be located on-site and shall not be located within the required setbacks. Stacking or queuing spaces shall not interfere with the stall and aisle space requirements as described in the off-street parking and loading.
 - 1) Banks or other Commercial Uses. There shall be a minimum of eight (8) spaces.
 - 2) Drive-up Restaurant. There shall be eleven (11) spaces for the drive-up window, with a minimum of five (5) of these spaces for the ordering station.

c. TOWN ROAD ENTRANCE

Prior to constructing any road entrance that abuts a Hancock town road, a permit for same must be approved by Hancock's Road Commissioner and Code Enforcement Officer and a copy of the permit must be on file at the Town Office. Roads that abut State roads require a State Entry Permit.

SECTION 5: LAND USE STANDARDS (General)

B. 1. ACCESS TO THE SITE (continued)

The following are minimum standards for new or replacement entrance culverts by town roads:

- 1) Culvert must be new.
- 2) Culvert diameter must be a minimum of 12". Final size determined by the amount of runoff in a given location.
- 3) Length must be a minimum of 24', with a preference for 30'. Maximum length 50'.
- 4) Materials: aluminum clad corrugated metal pipe is required. For 24" and larger diameters, 14 gauge material is required, for below 24" 16 gauge. Bituminous coated corrugated metal pipe and plastic corrugated pipe are prohibited.
- 5) Design Standards: Where the driveway is pitched upward from the road the shoulder grade should be maintained as far as practical, to prevent water flowing down the driveway onto the road. If not practical some other means of diverting water flow must be provided.

d. HIGHWAY ACCESS

The following provisions shall apply to all properties which abut and/or have frontage on Routes 1 and 182:

- 1) Buffer Strip: Access to the highway shall be controlled in the interest of public safety. Each building or group of buildings and its parking or service areas shall be physically separated from the highway or street by a buffer strip if required by Sub-Section B.3 of this Section. Such buffer strips shall be landscaped as required in Appendix A.
- 2) Such property may be divided into lots provided that all vehicular movements to and from the highway shall be via a single driveway or entrance serving all lots or premises.
- 3) All lots of record legally existing at the time of the adoption of this Ordinance shall be allowed one (1) direct access to Routes 1 and 182 provided that the minimum sight distance specified in Sub-Section B.1.b.2.e, of this Section.
- 4) A second driveway entrance or exit for large parking areas serving two (2) or more permitted uses may be permitted provided that the two (2) access points are not closer than eight hundred feet (800') and they both can meet the minimum site distances specified in Sub-Section B.1.b.2.e.

e. EMERGENCY VEHICLE ACCESS

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

2. BED AND BREAKFAST

"Bed and Breakfast" accommodations shall be permitted in the private, year-round residence of the host family who live on the premises provided that:

- a) The maximum number of guests at any time is six (6) persons, not including children under the age of twelve (12); The maximum number of rented guest rooms is three (3) at any one time;
- b) Breakfast is the only meal provided by the host family;
- c) One (1) sign not to exceed four (4) square feet is permitted on the premises; and
- d) The "Bed and Breakfast" operation shall not have any adverse effect on the neighbors

SECTION 5: LAND USE STANDARDS (General)

B. 3. BUFFERING AND SCREENING

All projects requiring Site Plan Review under this Ordinance shall provide buffer strips and/or screening in accordance with the following standards:

a. BUFFER STRIPS

Buffer strips of the following specified widths are required for the following areas and/or purposes:

- 1) Along any water body within or adjacent to the project, where the Board determines it desirable and necessary, to protect such water bodies from sedimentation and surface runoff. Such buffer strips shall be a minimum of seventy-five feet (75') in width.
- 2) Along any property line of any lot located in any Industrial or Commercial Zone when abuts a Residential Zone, such buffer strips shall be a minimum of twenty-five feet (25') in width if the adjacent lot is undeveloped, and fifty feet (50') if the adjacent lot is developed and there is no buffer strip on the adjacent lot.
- 3) Along on-site roads running parallel to an off-site road, where the Board determines it desirable and necessary to prevent driver confusion particularly at night, such buffer strips shall be a minimum of fifty feet (50') in width.
- 4) Along any property line which abuts any public road, where the Board determines it desirable and necessary, to protect and enhance scenic character and provide visual separation between the highway and adjacent uses. Such buffer strips shall be a minimum of fifty feet (50') in width.
- 5) Along any property line, where the Board determines it desirable and necessary, to shield incompatible uses from one another. Such buffer strips shall be a minimum of twenty-five feet (25') in width.
- 6) Along any property line, where the Board determines it desirable and necessary, to block prevailing winds to stop windborne debris from leaving the site. Such buffer strips shall be a minimum of twenty-five feet (25') in width.
- 7) Along any property line, where the Board determines it desirable and necessary, to prevent any proposed lighting from interfering with residential properties or with safe driving. Such buffer strips shall be a minimum of twenty-five feet (25') in width.
- 8) Along any property line, where the Board determines it desirable and necessary, of all exposed storage and service areas, sand and gravel extraction operations, utility buildings and structures, automobile salvage and junk yards, parking areas, garbage collection areas, and loading and unloading areas, to minimize their visual impact on adjoining traveled ways and properties. Such buffer strips shall be a minimum of twenty-five feet (25') in width.
- 9) Where a potential safety hazard to children would be likely to arise, and physical screening sufficient to deter small children from entering the premises is determined by the Board to be desirable and necessary, a buffer strip shall be required.

SECTION 5: LAND USE STANDARDS (General)

B. 3. BUFFERING AND SCREENING (continued)

- 10) In areas between important wildlife habitats to provide adequate space for the movement of wildlife from one area to another. Such buffer strips shall be as recommended by the Maine Department of Inland Fisheries and Wildlife.

b. SCREENING

Screening, within the required buffer strips, in the form of natural or man-made barriers, existing vegetation or new plantings, if suitable existing vegetation and natural features does not exist, is required as follows:

1) RETENTION OF NATURAL FEATURES IN BUFFER STRIPS

Natural features in buffer strips shall be maintained wherever possible. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide the required screening, other kinds of screening shall be considered.

2) CLASSIFICATION OF SCREENS

Screen shall be classified as provided in Appendix A.

4. CAMPGROUNDS

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- a. Each tent or shelter site shall contain a minimum of five thousand (5,000) square feet of suitable land in shoreland areas (i.e. within two hundred fifty feet (250'), horizontal distance, of the normal high water mark of any river, lake, pond, upland edge of a wetland, and seventy-five feet (75') of a stream, and twenty five hundred (2,500) square feet of suitable land in inland areas, not including driveways and roads, for each site;
- b. A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each tent or shelter site;
- c. The area intended for placement of the tent or shelter site, and utility and service buildings shall be set back a minimum of fifty feet (50') from the exterior lot lines of the camping area, and one hundred feet (100'), horizontal distance, from the normal high water elevation of any river, lake, pond, stream, and upland edge of a wetland; and
- d. Screening shall be required to shield the campground from abutting areas.

5. CLUSTER DEVELOPMENT

a. Purpose

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted by the Ordinance.

In addition, the purpose of allowing Cluster Development shall be to encourage housing development which will result in:

- 1) Additional open space and recreation areas;
- 2) A pattern of development which preserves trees, outstanding natural topography and geologic features and reduces soil erosion; and

SECTION 5: LAND USE STANDARDS (General)

B. 5. CLUSTER DEVELOPMENT (continued)

- 3) An efficient use of land resulting in small networks of utilities and streets.

b. Allowable Reduction in Requirements

To accomplish the purposes above, the layout and dimensional requirements of this Ordinance may be reduced as follows:

- 1) The Board may reduce area requirements by not more than fifty percent (50%) but only if a net area at least equal in area to the cumulative lot size reduction is maintained as common or public land;
- 2) The Board shall not increase building height limitations; and
- 3) The modification of requirements under this section shall not require a variance and no finding of undue hardship shall be required.

c. Performance Standards

All cluster developments approved by the Board must meet the following requirements:

- 1) All the requirements and standards of this Ordinance, except those dealing with lot layout and dimensions, shall be met.
- 2) The minimum area of land in a cluster development shall be ten (10) acres.
- 3) No building shall be constructed on soil types that are poorly drained.
- 4) Where a cluster development is proposed on a parcel which abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.
- 5) Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south-facing slopes and natural drainage areas in accordance with an overall plan for site development and landscaping.

5a. CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including the basement, at least one (1) foot above the one hundred (100) year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

6. CONVERSIONS

Conversions of existing structures into multi-family dwelling units, in Zones permitting multi-family dwellings, may be permitted provided that:

- a) Off-street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided.
- b) Approval of conversion plans by the fire, electrical, and plumbing inspector(s) is required prior to issuance of a building permit.
- c) Each dwelling unit shall be at least four hundred (400) square feet in area for one (1) bedroom units plus one hundred twenty (120) square feet for each additional bedroom.

SECTION 5: LAND USE STANDARDS (General)

B. 6. CONVERSIONS (continued)

- d) Each dwelling unit shall have its own toilet and kitchen facilities and no dwelling unit will share facilities with any other dwelling unit.

7. DIMENSIONAL REQUIREMENTS

a. DIMENSIONAL REQUIREMENTS: PROTECTION ZONES

The following table describes the dimensional requirements for the (RP) Resource Protection, (AP) Aquifer Protection, and (SP) Stream Protection Zones:

DIMENSIONAL REQUIREMENTS	(RP) Resource Protection Zone	(AP) Aquifer Protection Overlay Zone	(SP) Stream Protection Zone
Minimum Lot Size (sq ft)	40,000	Na ²	40,000
Minimum Road Frontage	100 feet ⁴	Na ²	100 feet ⁴
Minimum Shore Frontage Residential Structures	Na or 150 feet ³	Na ²	200 feet
Minimum Front Yard Setback From R-O-W Edge From NHWL*	75 feet ¹ 75 feet ¹	Na ² Na ²	75 feet 75 feet
Minimum Side Yard Setback Principal structure Accessory structure	30 feet ¹ 20 feet ¹	Na ² Na ²	30 feet 20 feet
Minimum Rear Yard Setback Principal structure Accessory Structure	30 feet ¹ 20 feet ¹	Na ² Na ²	30 feet 20 feet
Maximum Lot Coverage	20% ³	Na ²	20%
Maximum Structure Height Principal Structure Accessory Structure	35 feet ¹ 16 feet ¹	Na ² Na ²	35 feet 16 feet

FOOTNOTES:

*See additional reference Section 5:C.12.

1. For structures approved by the Planning Board as permitted by Section 7.
2. Same minimums or maximums required in the zone which is overlaid.
3. See Section 5:B.7.a.1, Special Exceptions.
4. Where lot fronts on public or subdivision road.

Na = Not Applicable

SECTION 5: LAND USE STANDARDS (General)

B. 7. DIMENSIONAL REQUIREMENTS (continued)

a.1) DIMENSIONAL REQUIREMENTS, SPECIAL EXCEPTIONS: Resource Protection Zone adjacent to the Salt Meadow at Old Pond

1. All new residential lots within the Resource Protection District adjacent to the salt meadow at Old Pond shall have a minimum shore frontage of 150 feet.
2. New single-family residential principal and accessory structures within the Resource Protection District adjacent to the salt meadow at Old Pond may be allowed by the Hancock Planning Board, according to the requirements of the Environmental Control Ordinance, provided all of the following conditions are met:
 - a. There is no location on the property, other than a location within the Resource Protection District, where the structures can be built, and;
 - b. The lot on which the structures are proposed is undeveloped, and was established and recorded in the Hancock County Registry of Deeds prior to the adoption of Resource Protection districting, and;
 - c. The proposed location of all buildings, sewage disposal systems, and other improvements are:
 - 1) Located on natural ground slopes of less than 20 percent.
 - 2) The total ground floor area of all principal and accessory structures is limited to a maximum of 1500 square feet.
 - 3) All structures, except water dependent structures, shall be setback to the greatest practical extent from the upland edge of the salt meadow, but not less than 75 feet.
 - 4) All structures are located outside the 100 year flood plain velocity zone as identified on the Flood Boundary Maps for the Town of Hancock, all portions of the structures, including basements, are located at least one foot above the 100 year flood elevation, and the development is otherwise consistent with the flood plain provision of Hancock's Ordinances.

SECTION 5: LAND USE STANDARDS (General)

B. 7. DIMENSIONAL REQUIREMENTS (continued)

b. DIMENSIONAL REQUIREMENTS DEVELOPMENT ZONES

The following table describes the dimensional requirements for the (SR) Shoreland Residential, (SD) Shoreland Development, (RU) Rural Undeveloped, (C) Commercial, (I) Industrial and (RR) Rural Residential Zones.

DIMENSIONAL REQUIREMENTS	(SR) Shoreland Residential Zone	(SD) Shoreland Development Zone	(RU) Rural Undeveloped Zone	(C) Commercial Zone	(I) Industrial Zone	(RR) Rural Residential Zone
Minimum Lot Size	40,000	60,000	40,000 ¹	40,000	60,000	40,000 ¹
Minimum Road Frontage	100 ft ⁴	100 ft ⁴	100 ft ⁴	100 ft ⁴	100 ft ⁴	100 ft ⁴
Minimum Shore Frontage						
~Residential	200 ft	200 ft	Na	Na	Na	Na
~Commercial	na	200 ft	Na	Na	Na	Na
Minimum Front Yard Setback						
~From CL of road or R-O-W Edge	See ³ below	See ³ below	See ³ below	See ³ below	See ³ below	See ³ below
~From NHWL*	75 feet	100 feet ²	na	na	na	na
Minimum Side Yard Setback						
~Principal structure	30 ft	30 ft	30 ft	20 ft	10 ft	30 ft
~Accessory structure	30 ft	20 ft	30 ft	20 ft	10 ft	30 ft
Minimum Rear Yard Setback						
~Principal structure	30 ft	30 ft	30 ft	30 ft	10 ft	30 ft
~Accessory structure	30 ft	30 ft	20 ft	20 ft	10 ft	20 ft
Maximum Lot Coverage	20%	20%	30%	50%	90%	30%
Maximum Structure Height ⁵	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft

FOOTNOTES:

*See additional reference Section 5.C.12.

- Two (2) acres for new subdivisions, unless clustered.
- Except for functionally water dependent uses.
- Minimum Front Yard setbacks for all Development Zones are as follows:
~Frontage on Town Roads: 50 ft from CL.
~Frontage on State Aid Roads: 60 ft from CL.
~Frontage on State Roads (Routes 1 and 182): 40 ft from R-O-W Edge.
- Where lot fronts on public or subdivision road.
- Maximum structure height shall not apply to the following:
Small Wind Energy Systems (SWES), SWES height shall not exceed sixty (60) feet. See Sections 5:B.30., 5:C.12. and 5:C.16.
Wireless Telecommunication Facility (WTF) towers. WTF tower height shall not exceed one hundred ninety-five (195) feet. See Sections 5:B.34 and Section 5:C.12.

The dimensional requirements for the (MH) Mobile Home Park Zone shall be as required in the Hancock Mobile Home Park Ordinance.

SECTION 5: LAND USE STANDARDS (General)

B. 7. DIMENSIONAL REQUIREMENTS (continued)

c. ADDITIONAL DIMENSIONAL REQUIREMENTS

- 1) Land below the normal high-water line of a water body or upland edge of a coastal wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- 2) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- 3) The minimum width of any lot, within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the required shore frontage.
- 4) If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

8. DUST, FUMES, VAPORS, GASES, ODORS, NOISES, GLARE AND EXPLOSIVE MATERIALS

- a. Emission of dust, dirt, fly ash, fumes, vapors or gases which pose an unreasonable risk of harm to human health or the environment shall be prohibited.
- b. No land use or establishment shall be permitted to produce unreasonable offensive or harmful odors, perceptible beyond their lot lines, measured either at ground or habitable elevations.
- c. Excessive noise shall not be permitted to produce unreasonable disturbance beyond the lot lines of the source of the noise.
- d. No land use or establishment shall be permitted to produce unreasonable glare or brightness beyond its lot lines.
- e. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the National Fire Protection Association (NFPA), Sections 30, 58, and 59-A.

9. EROSION AND SEDIMENTATION CONTROL

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance:

- a. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction and clean-up stages.
- b. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices:
 - 1) Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;

SECTION 5: LAND USE STANDARDS (General)

B. 9. EROSION AND SEDIMENTATION CONTROL (continued)

- 2) Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
- 3) The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;
- 4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- 5) The disturbed area and the duration of exposure shall be kept to a practical minimum;
- 6) Disturbed soils shall be stabilized as quickly as practicable;
- 7) Temporary vegetation or mulching shall be used to protect disturbed areas during development;
- 8) Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;
- 9) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods;
- 10) The top of a cut or the bottom of a fill section shall not be closer than ten feet (10') to an adjoining property, unless otherwise specified by the Planning board. Extraction operations (gravel pits, etc.) shall not be permitted within one hundred feet (100') of any property line in absence of the prior written agreement of the owner of such adjoining property;
- 11) During grading operations, methods of dust control shall be employed wherever practicable;
- 12) Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at the developer's expense as quickly as possible;
- 13) Any activity on a stream, watercourse or swale or upon floodway or right-of-way shall comply with the Natural Resource Protection Act, 38 M.R.S.A., Sections 480-A and 480-S. Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway, or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such an activity is completed.
- 14) Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

10. GROUNDWATER PROTECTION

The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater adjacent to identified groundwater aquifers shall comply, following development, with the standards for safe drinking water as established by the State of Maine.

SECTION 5: LAND USE STANDARDS (General)

B. 11. HOME OCCUPATIONS

The purpose of the Home Occupation provision is to permit the conduct of those businesses which are compatible with the Zones in which they are allowed. Home occupations are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structures;

- a) Home occupations shall be carried out wholly within a dwelling unit or accessory structure to a dwelling unit.
- b) No more than two other persons who are not family members residing in the dwelling unit shall be employed in a home occupation.
- c) Home occupations shall be clearly incidental and secondary and shall be no more than thirty (30) percent of the use of, or floor area of, a dwelling unit used primarily for residential purposes. An accessory structure may be wholly devoted to the home occupation, provided that other provisions of this section are met.
- d) In connection with a home occupation there shall be no exterior signs other than permitted by Sub-Section B.28 of this Section, no exterior storage of materials, and no other exterior indication of the home occupation or variance from the residential character of the premises.
- e) A home occupation shall not create noise, dust, vibration, odor, smoke, glare, excessive traffic, electronic interference, fire hazard, or any other hazard or nuisance to any greater degree or more frequent extent than that normally experienced in an average residential building in the zone in which located.
- f) No significant amount of goods, merchandise, or products shall be sold upon the premises, other than those produced, and or repaired, on the premises.
- g) Home occupations providing (for a fee) professional, educational and/or personal services to groups of persons on the premises shall provide adequate off-street parking spaces in addition to those required for the residence.

12. JUNKYARDS AND AUTOMOBILE GRAVEYARDS

No junkyard as defined in this Ordinance shall be established without first obtaining site plan approval by the Planning board, a non-transferable land use permit issued by the Selectmen in accordance with the State licensing and local requirements, and complying with the following provisions:

- a. Junkyards shall be located a minimum of two hundred feet (200') from the edge of the right-of-ways; and shall be set back one hundred feet (100') from all side and rear lot lines;
- b. Junkyards shall be located a minimum of three hundred feet (300') from any public park, facility, or grounds; and
- c. Junkyards shall be entirely screened from view by earth berms, plantings or fences which shall be well constructed and properly maintained at a minimum height of six feet (6') and sufficient to accomplish the complete screening from ordinary view.

SECTION 5: LAND USE STANDARDS (General)

B. 12. JUNKYARDS AND AUTOMOBILE GRAVEYARDS (continued)

In addition, the following provisions apply to the operation of all junkyards, as defined, in the Town of Hancock:

- d. Upon arrival at the junkyard, all fuel, engine oil, radiator, battery, transmission, fluids, etc. shall be drained from all vehicles, and appropriate safety precautions, such as the removal of door and trunk locks, shall be taken to avoid injury and accidents;
- e. No vehicles may remain intact in the yard for more than thirty (30) days, and complete processing of vehicles into salvage materials shall be accomplished within four (4) months;
- f. All junk and salvage materials shall be stored within the screened/fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness to the adjacent area; and
- g. No open burning of salvage material or junk shall be permitted on the premises. Waste fluids and unusable materials shall be disposed of in an environmentally sound manner.

13. LAND NOT SUITABLE FOR DEVELOPMENT

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size requirements of this Ordinance:

- a. Land which is situated below the normal high water mark of any water body;
- b. Land which is part of a right-of-way, or easement, including utility easements;
- c. Land that has to be created by filling or draining a pond or wetland;

This section does not apply to existing single lots of record proposed to be utilized for single family residences only.

14. LIGHTING

All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

15. MINERAL EXPLORATION AND EXTRACTION

The following requirements for mineral exploration and extraction activities shall apply in all Zones when permitted except as otherwise hereinafter provided (see Hancock Mineral Extraction Ordinance, also 38 M.R.S.A., Section 490-D):

- a. The following requirements shall apply to mineral extraction exploration activities where extraction is permitted:
 - 1) All excavations, including test pits and holes, shall be promptly capped, refilled, or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety;

SECTION 5: LAND USE STANDARDS (General)

B. MINERAL EXPLORATION AND EXTRACTION (continued)

- 2) Mineral exploration activities or associated access ways where the operation of machinery used in such activities results in the exposure of mineral soils, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Mark (Feet Along Surface of the Ground)
40	105
50	125
60	145
70	165

The provisions of this subsection (2) apply only on face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than twenty-five feet (25'); the provisions of this subsection do not apply where access ways cross such waters;

- 3) Except when surface waters are frozen, access ways for mineral exploration activities shall not utilize stream channels bordered by Protection Zones except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with this Ordinance, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surfaces which would not be eroded or otherwise damaged;
- 4) Access way approaches to stream channels shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream;
- 5) In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all areas of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.

b. The following requirements shall apply to mineral extraction activities in all Zones where permitted:

- 1) No portion of any ground area disturbed by the extraction activity on a face sloping toward the water, shall be closer to the normal high water mark of a flowing or standing body of water than is indicated by the following table provided, however, no portion of such ground area on a back face shall be closer than fifty feet (50');

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and a line parallel and one hundred feet (100') upland from the upland edge of a wetland stream, or normal high water mark of any river, lake or pond (Feet Along Surface of the Ground)
20	130
30	170
40	210
50	250
60	290
70	330

SECTION 5: LAND USE STANDARDS (General)

B. 15. MINERAL EXPLORATION AND EXTRACTION (continued)

- 2) No portion of any ground area disturbed by the extraction activity shall be closer than one hundred and fifty feet (150') from any public roadway or from any property line in the absence of the prior written agreement of the owner of such adjoining property, or in Shoreland Zones as follows:
 - a) Within two hundred fifty feet (250') of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dykes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body. Any such control device shall be deemed part of the extraction area for the purposes of Sub-Section b.2, above;
 - 3) A natural vegetative screen of not less than fifty feet (50') in width shall be retained between any facility intended primarily for public use, excluding privately owned roads and the mineral exploration or extraction activity; and
 - 4) Within twelve (12) months following the completion of extraction operations at any extraction site, or when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials originating on-site may be buried or covered on-site.
 - b) The final graded slope shall be two to one (2:1) slope or flatter.
 - c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the areas. Additional topsoil or loam shall be obtained from off-site sources, if necessary, to complete the stabilization project.
 - 5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources including but not limited to any reasonable form of performance guarantee such as a performance bond.
- c. The following requirements shall apply to topsoil, sand and gravel extraction in all Zones where permitted:
- 1) Topsoil shall be considered part of all developments, except mineral extraction, and shall not be removed from the site except for surplus topsoil from roads, parking areas and building excavations;
 - 2) Extraction shall not be allowed within five feet (5') of the average seasonal high water table. No ditches, trenches, pumping or other methods shall be used to lower the water table or permit more gravel extraction than could occur under normal conditions;
 - 3) Access roads in and around the pit shall not be oiled, salted, or paved;
 - 4) The pit shall not be used for storage or dumping of any substances that could produce a harmful leachate, both during operation of the pit and following its permanent closure;
 - 5) Storage of hazardous materials and petroleum products in the pit is prohibited; and

SECTION 5: LAND USE STANDARDS (General)

B. 15. MINERAL EXPLORATION AND EXTRACTION (continued)

- 6) Refueling and oil changes in the pit are prohibited, unless adequate protection and containment is provided.

16. MOBILE HOME PARKS

Mobile home parks shall conform to the regulations of the Hancock Mobile Home Park Ordinance.

17. MOBILE HOMES AND RECREATION VEHICLES

- a. Any mobile home not intended to be a permanent fixture on the land shall be parked only in a duly authorized mobile home park except that a mobile home may be permitted on the site of a construction project for not more than two (2) consecutive six-month (6) periods provided that a special permit is issued by the Code Enforcement Officer for each six-month (6) period. Such permit may only be issued if the Code Enforcement Officer is satisfied that:
 - 1) The mobile home is a necessary convenience for the construction project and is clearly subordinate to such project.
 - 2) No health hazard or problems of sanitation will be caused by improper disposal of sewage from the mobile home.
- b. The Code Enforcement Officer may issue a permit for use of a mobile home for a temporary construction office for up to six (6) months in zones where offices are permitted or on construction sites anywhere in the Town of Hancock.
- c. Recreation vehicles shall in no case be used as a permanent dwelling and any recreation vehicles in use as a temporary dwelling shall be stationed only in an authorized campground or trailer park, or as an accessory use on the premises of a consenting private property owner for use only by members of the property owner's family or social guests.
- d. Notwithstanding the other provisions of this Section, unoccupied mobile homes may be placed on a lot for sale by a dealer where permitted by this Ordinance.

18. MULTIPLE USES ON A SINGLE LOT

- a. No structure shall hereinafter be erected, altered, or utilized if the effect of such erection, alteration or utilization is to create more than one (1) use or principal structure on a single lot, except home occupations, unless all other requirements of this ordinance are met.
- b. More than one use may be permitted in the same structure in the Industrial and Commercial Zones, subject to the following conditions:
 - 1) All of the other requirements of the Zone in which the uses are located are met, with the exception that uses may be in the same building.
 - 2) All traveled ways to be used for the means of ingress and egress shall have a usable width of twenty-four feet (24').
 - 3) All private ways must be built to the standards of the Hancock Subdivision Ordinance.

SECTION 5: LAND USE STANDARDS (General)

B. 19. MUNICIPAL SERVICES

The proposed development shall not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

20. OFF-STREET LOADING/UNLOADING REQUIREMENTS

On every lot on which a commercial or industrial use is hereafter established, space with access to a public street shall be provided as indicated below for the loading and unloading of vehicles.

- a. **RETAIL BUSINESS:** One (1) space twelve feet (12') by fifty-five feet (55') with a minimum overhead clearance of fifteen feet (15') for the first five thousand (5,000) square feet or fraction thereof of floor space plus one (1) space for any floor space in excess of five thousand (5,000) square feet.
- b. **WHOLESALE BUSINESS AND INDUSTRIAL:** One (1) space twelve feet (12') by fifty-five (55) with a minimum overhead clearance of fifteen feet (15') for each eight thousand (8,000) square feet of floor space or fraction thereof.
- c. **TRUCK AND BUS TERMINALS:** Sufficient space to accommodate the maximum number of buses or trucks that would be stored, loaded, and unloaded at the terminal at any one (1) time.

21. OFF-STREET PARKING

a. **PARKING SPACE SHALL BE PROVIDED:** No structure shall be erected nor shall any of the following uses be established unless at least the minimum number of off-street parking spaces as specified below is provided. Where a fractional number of spaces would be called for, at least the next higher whole number of spaces shall be required. Each parking space shall measure at least nine feet (9') in width by eighteen feet (18') in length and shall have access for vehicles to a public street. Parking lots for more than five (5) vehicles shall be so arranged that vehicles can be turned around within such lots without entering the street. Private roads, separated from public right-of-ways, but not allowing for turn-around space are deemed adequate for these requirements.

- 1) **Automobile Repair and Filling Stations:** One (1) space for each regular employee, plus one (1) space for each fifty (50) square feet of floor area used for service work.
- 2) **Boarding and Rooming House:** one (1) space for each guest room.
- 3) **Drive-In Restaurants and Dairy Stands:** ten (10) spaces plus one (1) additional space for each person serving or preparing food on the largest shift employed at least once a week on a regularly scheduled basis during the peak season of operations.
- 4) **Funeral Parlors:** twenty (20) spaces.
- 5) **Hospitals and Nursing Homes:** one (1) space for each five beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.
- 6) **Hotels:** one (1) space for each guest bedroom, plus one (1) space for each four (4) employees.
- 7) **Industrial Establishments:** two (2) spaces for every three (3) employees, at the maximum employment level, on the two (2) shifts of highest employment combined, plus one (1) space for each company vehicle operating from the premises.
- 8) **Fraternal Organizations and Clubs:** one (1) space for each five (5) members.

SECTION 5: LAND USE STANDARDS (General)

B. 21. OFF-STREET PARKING (continued)

- 9) Business and Professional Offices: one (1) space for each two hundred (200) square feet of working space.
- 10) Places of Amusement or Public Assembly: one (1) space for each fifty (50) square feet of floor area devoted to patron use.
- 11) Residential: Two (2) spaces for each dwelling unit.
- 12) Restaurants, Cocktail Lounges, and Bottle Clubs: one (1) space for each four (4) customer seats, plus one (1) space for each two (2) employees.
- 13) Retail business: four (4) spaces for each one thousand (1,000) square feet of sales area.
- 14) Roadside Farm Stands: four (4) spaces.
- 15) Elementary Schools: two (2) spaces per classroom plus one space (1) for every four (4) seats of public assembly or ten (10) spaces for every one thousand (1,000) square feet of assembly space if no fixed seats.
- 16) High Schools: five (5) spaces per classroom plus one (1) space for every four (4) seats of public assembly or ten (10) spaces for every one thousand (1,000) square feet of assembly space if no fixed seats.
- 17) Banks: one (1) space per one hundred fifty (150) square feet of floor area.
- 18) Tourist Courts and Motels: one (1) space for each accommodation.
- 19) Wholesale Business: one (1) space for each three hundred (300) square feet of floor space.
- 20) Churches: one (1) space for each five (5) persons seating capacity.
- 21) For uses not specifically listed in this section, the Code Enforcement Officer shall prescribe the number which in no case will be less than an adequate number to provide for employees and customers and visitors anticipated on the site.

b. LOCATION ON OTHER PROPERTY

If the required automobile parking spaces cannot be provided on the same lot where the principal use is conducted, the Planning Board can permit that such spaces may be provided on other off-street property provided that such property lies within four hundred feet (400') of the main entrance to such principal use and is in the same zone. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner, provided however, that it may serve different principal uses at different times of day.

22. BULK OIL AND CHEMICAL STORAGE

- a. All storage of petroleum or liquid petroleum products shall be in conformance with the provisions of 38 M.R.S.A., Section 541 et seq. which, among other things, establishes a ten-year compliance schedule for the discontinuance and removal of nonconforming underground storage facilities and requires qualified personnel to oversee the removal of certain underground facilities;

SECTION 5: LAND USE STANDARDS (General)

B. 22. BULK OIL AND CHEMICAL STORAGE (continued)

- b. Such storage shall be in conformance with the NFPA Codes applicable to the stored substance; and
- c. When applicable, the applicant shall have the burden of proof to assure the Planning Board or Code Enforcement Officer that all provisions of the above statutes have been met before the issuance of any permits may take place.

23. ON-SITE CIRCULATION

a. VEHICULAR CIRCULATION

The layout of the site shall provide for the safe movement of passenger, service and emergency vehicles through the site.

- 1) Non-residential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for all vehicles, including tractor trailers.
- 2) Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.
- 3) The layout and design of parking areas shall provide for safe and convenient circulation of vehicles and prevent their backing out onto a street.
- 4) All streets and access ways shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

b. PEDESTRIAN CIRCULATION

The development plan shall provide for a system of pedestrian circulation within the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located within the street right-of-way or outside of the right-of-way in open space or recreation areas. The system shall be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, and existing sidewalks in the neighborhood.

24. OUTDOOR STORAGE AND DISPLAY OF GOODS

The storage and display of goods, outside a fully enclosed building, as an accessory use with permitted commercial activities is limited as follows:

Commercial (C) Zone: Customary and incidental storage and display of goods outside may be permitted as an accessory use with those commercial activities permitted in the C Zone in Section 4.H.6 of this Ordinance, provided that the total area of such outdoor storage and display area does not exceed twenty thousand (20,000) square feet.

25. POLLUTION LEVELS

Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guideline established for it in the Safe Drinking Water Standard, EPA Health Advisory, or NAS Health Advisory. Any violation of this standard shall be cause to order the immediate cessation of the use or activity responsible for the contamination. The land owner, contractor, occupant, or any other person with the authority over the land, structure, or activity responsible for the contamination, shall be responsible for the cost of all remedial actions and damages resulting there from.

SECTION 5: LAND USE STANDARDS (General)

B. 26. PRESERVATION AND ENHANCEMENT OF THE LANDSCAPE

The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be completed that will define, soften or screen the appearance of off-street parking areas, buildings and other structures from the public right-of-way and abutting properties in order to enhance the physical design of the proposed development and to minimize the encroachment of the proposed uses on neighboring land uses.

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures, so as to have a minimum adverse affect on the environment and aesthetic qualities of the developed and neighboring areas.

Environmentally sensitive areas such as wetlands, steep slopes, flood plains, and unique natural features shall be maintained and preserved to the maximum extent possible. Natural drainage areas shall be preserved to the maximum extent possible.

27. PRIVATE RIGHT-OF-WAYS

No private right-of-ways shall be created to satisfy the frontage requirements for any lot, any portion of which abuts a public way.

No such right-of-way shall be created over any existing lot or lots so that the balance of any such existing lot, exclusive of the area occupied by the right-of-way would fail to meet any of the requirements of this Ordinance for lot size, frontage, lot coverage, or yard sizes.

28. SIGNS (see also Land Use Standards, Shoreland, Section 5.C.15)

All signs within view of public ways of the Town of Hancock shall conform to the following regulations:

No signs may be erected until they have been approved by the Code Enforcement Officer (CEO), after a sign application has been submitted, and appropriate fee paid, unless they are of a temporary nature or specifically exempted.

a. RESTRICTIONS

- 1) All signs shall conform to design requirements.
- 2) The following signs are not permitted:
 1. Billboards.
 2. Roof signs.
 3. Searchlights.
 4. Hot-air or gas-filled balloons used for advertising.
 5. Signs painted on rocks, ledges, or natural features.
 6. Revolving signs.

b. EXCEPTIONS

The following signs do not require a permit, provided they adhere to the standards of this Ordinance size and placement requirements:

- 1) Temporary signs to be erected for not more than thirty (30) days, including political signs which must be removed within seven (7) days following an election.
- 2) Signs that identify a contractor at the site of construction or alteration under way.
- 3) Signs that advertise places for sale or rent.

SECTION 5: LAND USE STANDARDS (General)

B. 28. SIGNS (continued)

- 4) Yard sale signs posted for less than 5 days, and no more than 6 times per year in the same place.
- 5) Signs of a religious nature that identify a church, show the schedule of religious services, or convey a religious message.
- 6) Signs on private property that: direct traffic or parking; indicate inhabitants names and/or property name; or convey safety and caution messages.
- 7) Fire lane and road name signs.
- 8) Signs erected by government, town and other not-for-profit bodies.
- 9) Traffic control signs, signals or devices.

c. REGULATIONS

- 1) OFFICIAL BUSINESS DIRECTIONAL SIGNS (OBDS) in public ways must conform to the Department of Transportation (DOT) regulations and must be approved by the Hancock Selectboard or it's designee before DOT application is submitted.
- 2) Additionally all signs shall conform to the following provisions:
 1. ON-PREMISE SIGNS

Owners or occupants of real estate property may erect and maintain on-premise signs which advertise the sale or lease thereof or activities being conducted thereon provided that said signs are in conformance with the regulations set below:

 - a) The maximum size for each individual sign shall not exceed sixteen (16) square feet with the exceptions listed below:
 1. The maximum size for each individual sign in any Residential Zone shall not exceed four (4) square feet and shall not exceed a maximum aggregate area of all signs for individual use of six (6) square feet.
 2. The maximum size for each individual sign in the Commercial Zone and the Industrial Zone shall be one hundred and ten (110) square feet.
 - b) On-premise signs, other than wall or projecting signs, shall not extend more than twenty-two feet (22') above ground level, and shall not be internally lighted.
 - c) Projecting signs must be at least nine feet (9') above pedestrian level and may not project more than three feet (3') from the building.
 - d) One sign identifying the name, address and profession or occupation of a permitted home occupation or a lawfully existing non-conforming home occupation is permitted, provided that such sign does not exceed four (4) square feet in area and is not internally illuminated.
 - e) Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material or display area, not exceeding two (2) square feet and not extending higher than four feet (4') above ground level, are permitted.
 2. SIGNS PROHIBITED

No sign, whether new or existing, shall be permitted which causes a sight, traffic, health or welfare hazard, or results in a nuisance, due to illumination, placement, display or obstruction of existing signs.

SECTION 5: LAND USE STANDARDS (General)

B. 28. SIGNS (continued)

3. DESIGN REQUIREMENTS

All signs shall meet the following design requirements:

- a) No sign shall project over a walkway or interfere in any way with the normal flow of foot or vehicular traffic. All free standing signs shall be set back a minimum of five feet (5') from the rear and side property lines and shall be set back from the road so as not to create a safety hazard or interfere with traffic movements and road maintenance. On town roads, all free standing signs shall be set back a minimum of twelve (12) feet from the edge of the traveled way.
- b) No sign shall contain, include, or be illuminated by flashing, blinking, intermittent, or moving lights.
- c) Signs may be illuminated only by external shielded non-flashing lights so as to effectively prevent beams or rays of light from being directed at neighboring properties or any portion of the main traveled way of a roadway, as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof.

4. NON-CONFORMING SIGNS

Non-conforming signs may be retained if property maintained, but may not be enlarged or replaced by another non-conforming sign.

29. SITE CONDITIONS

- a. During construction, the site shall be maintained and left each day in a safe and sanitary manner and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Code Enforcement Officer or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly treated to control dust from construction activity; and
- b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris. Excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Code Enforcement Officer prior to issuing a Certificate of Occupancy.

30. SMALL WIND ENERGY SYSTEMS (SWES)

The purpose of the Small Wind Energy Systems (SWES) section is to permit the placement and construction of safe and effective small wind energy systems. The following provisions shall apply:

Dimensional Requirements

- a. Minimum site area for SWES shall be 40,000 square feet. Each additional SWES will require an additional two acres. No more than 3 SWES are allowed on any one site.
- b. The SWES height shall not exceed sixty (60) feet above ground level and maximum capacity shall not exceed 10kW.

SECTION 5: LAND USE STANDARDS (General)

B. 30. SMALL WIND ENERGY SYSTEMS (SWES) (continued)

c. Safety Setbacks

- 1) SWES shall be set back a distance equal to one hundred ten (110) percent of the system height from adjoining property lines.
- 2) SWES shall be set back a distance equal to one hundred fifty (150) percent of the system height from any structures on adjoining properties.
- 3) SWES shall be set back a distance equal to one hundred ten (110) percent of the system height from public or private road right of way and overhead utility lines.

- d. An SWES must be set back 2500 feet from any areas designated as recognized historic sites or important bird areas identified as significant wildlife habitat by the State.

Design Requirements

a. ACCESS:

- 1) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- 2) The tower shall be designed and installed such that the public access via step bolts or a ladder is prevented for a minimum of 12 feet above ground.

- b. **BLADE CLEARANCE:** The minimum distance between the ground and any wind turbine blades of free standing SWES shall be 25 feet as measured at the lowest point of the arc of the blades.

- c. **ELECTRICAL INTERCONNECTIONS:** All on-site electrical wires associated with the SWES shall be installed underground except for “tie-ins” to public utility company transmission poles, towers and lines. A licensed electrician must connect the SWES to the residence or other structure.

- d. **NOISE:** The SWES shall not exceed 55 dBA, as measured at the property line, except during short-term events such as severe wind storms and utility outages.

- e. **OVER-SPEED CONTROLS:** SWES shall be equipped with both manual and automatic over-speed controls.

- f. **SIGNAL INTERFERENCE:** The system shall be operated and located so that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.

SECTION 5: LAND USE STANDARDS (General)

B. 30. SMALL WIND ENERGY SYSTEMS (SWES) (continued)

- g. **STRUCTURE TYPE:** The tower shall be an approved monopole without guy wires or an approved guyed tower. Anchor points for any guy wires for a system tower shall be located within the site and not on or across any above-ground electrical transmission lines. The point of attachment for the guy wires shall be enclosed by a fence or sheathed in bright orange or yellow covering from three to eight feet above ground.
- h. **VISUAL APPEARANCE:**
 - 1) SWES shall be painted in non-reflective, light gray color, unless otherwise required by the FAA.
 - 2) All signs, both temporary and permanent, or any graphic representation are prohibited on the SWES except appropriate manufacturers or installers identification and warning signs.
 - 3) No tower shall be lighted unless required by the FAA.
 - 4) **Screening and Buffering:** Wherever possible, SWES shall be located to make maximum use of existing vegetation and structures for the purpose of screening the turbine from off-site views. To the greatest extent possible, SWES shall be sited such that mature vegetation and/or existing structures are located between the SWES and public and private viewpoints.

A year-round vegetated buffer of sufficient height and depth to screen the SWES shall be provided. Height and depth of the required buffer may vary in accordance with the specific project and site conditions. Trees and vegetation may be existing on the subject property or installed as part of the proposed SWES or a combination of both. Consideration should be given to providing vegetated buffers nearer to the viewer to get maximum benefit from the screening, while limiting any turbulence that could affect the efficiency of the SWES.
- i. **ABANDONMENT OF USE:** a SWES which is not generating electricity for (12) consecutive months shall be deemed abandoned and shall be dismantled and removed from the property by the owner within 120 days of receipt of notice from the town.
- j. **REMOVAL OF UNSAFE SMALL WIND ENERGY SYSTEMS:** Any small wind energy system found unsafe by the Code Enforcement Officer shall be shut down immediately and repaired by the owner to meet all federal, state, and local safety standards or removed within six months.

31. SUBDIVISIONS

- 1. All subdivisions shall conform to the requirements of the Hancock Subdivision Ordinance.
- 2. Subdividers are encouraged to implement clustered site plans and internal access roads.

32. USES PROHIBITED ON OR ADJACENT TO AQUIFERS

- a. The following uses are prohibited within the boundaries of the towns identified significant sand and gravel aquifers plus all lands laying outside and within three hundred feet (300') of said boundaries unless the use has been reviewed by the Planning Board and based upon a Ground Water Impact Analysis prepared by either a registered geologist or soil scientist, at the discretion of the Board, and other submissions, that the Board is able to make written findings of fact that the proposed use will not have an adverse impact on the quantity or quality of ground water resources:
 - 1. Subsurface storage of petroleum and other refined petroleum products with the exception of household heating oil where the underground storage tank is in full compliance with DEP regulations.

SECTION 5: LAND USE STANDARDS (General)

B. 32. USES PROHIBITED ON OR ADJACENT TO AQUIFERS (continued)

2. Petroleum storage for commercial or industrial use.
3. Engineered subsurface waste disposal systems as defined herein.
4. Multi-family dwellings and subdivisions.
5. Industrial uses except those permitted as home occupations as defined herein.
6. Salt-sand and road salt storage and loading area.
7. Dumping of snow containing deicing chemicals.
8. Junkyards, Automobile Graveyards and Automobile Recycling
9. Sanitary landfills or demolition/stump dumps.
10. Commercial animal feedlots.
11. Metal plating.
12. Commercial furniture stripping.
13. Dry cleaning establishments.
14. Commercial motor vehicle and auto repair garage or service.
15. Non-residential pipelines for transmission of oil, gas, or hazardous materials.
16. Spray irrigation of sewage.
17. Any other use that involves the manufacture, storage, use, transportation or disposal of toxic or hazardous materials.

b. When a Ground Water Impact Analysis is submitted, the assessment shall contain at least the following information:

1. Soil data for entire site including soil test pits and percolation test results.
2. The depth to the water table at representative points throughout the site.
3. Drainage conditions throughout the site.
4. Data on the existing ground water quality, either from test wells on the site or from existing wells on neighboring properties.
5. An analysis and evaluation of the effect of the development on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the site, or at the site boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is shortest distance.
6. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the development and within 200 feet of the development boundaries.

c. Projections of groundwater quantity shall be based on the assumption of drought conditions (assuming 60% of annual recharge from precipitation).

d. No development shall increase any contaminant concentration in the groundwater, within or outside the development, to more than one half of the Primary Drinking Water Standards. No development shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.

e. If applicable, submit the following:

- 1) A list of all petroleum products, hazardous materials, and hazardous wastes that will be handled on site, whether used, stored, transported, or transferred. The list should contain the volume of each and a statement on how it will be handled.
- 2) A Spill Prevention, Control and Countermeasures (SPCC) plan.

SECTION 5: LAND USE STANDARDS (General)

B. 33. UTILITIES/SUBSURFACE WASTEWATER DISPOSAL/WASTE DISPOSAL/WATER SUPPLY

a. UTILITIES

- 1) Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site;
- 2) Underground utilities shall be installed prior to the installation of the final gravel base of the road; and
- 3) The size, type and location of street lights and utilities shall be shown on a site review plan and approved by the Planning Board.

b. SUBSURFACE WASTEWATER DISPOSAL

Subsurface Wastewater Disposal: No permit shall be issued for a project with subsurface wastewater disposal unless:

- 1) There is an area of sufficient size of suitable soils, under the Maine State Plumbing Code, to accommodate the proposed system;
- 2) An acceptable plan to construct the absorption area is prepared in accordance with the Maine State Plumbing Code; and
- 3) In lieu of 1) and/or 2) above, the applicant demonstrates that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitable engineering solution.

c. WASTE DISPOSAL

The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes.

- 1) All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
- 2) All hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual agreement with the facility shall be submitted.

d. WATER SUPPLY

The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

34. WATER EXTRACTION

See Hancock Water Extraction Ordinance.

35. WIRELESS TELECOMMUNICATIONS FACILITIES (WTF)

a. Purpose. The purpose of the Wireless Telecommunications Facilities (WTF) section is to establish a set of standards for the construction of wireless telecommunications facilities in order to:

- 1) permit and manage reasonable access for wireless telecommunications on a competitively neutral basis;
- 2) encourage the colocation of wireless communications facilities in order to maximize the use of approved or pre-existing sites within the coverage area; and
- 3) minimize adverse impact on the Town's aesthetic resources and to protect the scenic, historic, environmental, natural resources, and visual character of the community.

SECTION 5: LAND USE STANDARDS (General)

B. 35. WIRELESS TELECOMMUNICATIONS FACILITIES (WTF) (continued)

- b. Exemptions. The following activities and structures with a maximum tower height, including antenna, of one hundred ninety-five (195) feet above original grade are exempt from the provisions of this ordinance.
 - 1) Temporary wireless telecommunications facilities for emergency communications by public officials.
 - 2) Amateur (ham) radio and private mobile radio service towers licensed by the Federal Communications Commission (FCC).
 - 3) Antennas that are accessory to a residential dwelling.
- c. Expansion or colocation
 - 1) Applicants seeking approval for wireless telecommunications facilities shall first evaluate the suitability of existing approved sites. Only after finding that there are no suitable existing or approved sites for expansion or colocation, shall a provider propose a new facility.
 - 2) The applicant shall have the burden of proving that there are no expansion or colocation opportunities which are suitable for its WTF.
 - 3) Applications for new wireless telecommunications facility towers or any expansion or colocation on an existing tower that increases tower height shall require Site Plan Review by the Planning Board.
 - 4) Applications for wireless telecommunications facility expansion or colocation on an existing wireless telecommunications tower that do not increase tower height shall require approval by the Code Enforcement Officer following standards in Section 6: Code Enforcement Officer Permits, B.4.
- d. Dimensional Requirements
 - 1) Minimum site area for a WTF shall be 40,000 square feet.
 - 2) The maximum height of the WTF shall not exceed one hundred ninety-five (195) feet above mean original grade.
 - 3) WTF tower shall be set back a distance equal to 150% of the height of the WTF tower, including any antennas or other appurtenances, to any property line or public road. The setback may be satisfied by securing a recorded easement on areas outside the property boundaries.
 - 4) Guy anchors and accessory buildings shall be set back the same distance as accessory structures.
- e. Design Requirements
 - 1) Access
 - a) A security fence or wall not less than 8 (eight) feet in height from the finished grade shall be provided around the tower. Access to the tower shall be through a locked gate.
 - b) A single access roadway is permitted, which must be designed to harmonize with topographic and natural features of the site by minimizing filling, grading, excavation, or similar activities which result in unstable soil conditions and erosion.
 - 2) Tower Type. All tower types shall be mounted on the ground. Towers mounted on buildings are prohibited.
 - 3) Visual Appearance
 - a) A new WTF must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.
 - b) Signs shall be limited to those needed to identify the property and the owner and to warn of potential hazards.
 - c) Tower lighting only if FFA required. Security lighting may be used as long as it is shielded to retain light within the boundaries of the site to the maximum extent practicable.
 - d) For Buffering and Screening standards See Section 5:B.3. Buffering and Screening Standards and Appendix A: Screening.

SECTION 5: LAND USE STANDARDS (General)

B. 35. WIRELESS TELECOMMUNICATIONS FACILITIES (WTF) (continued)

f. Monitoring

- 1) The WTF tower owner shall provide the CEO with copies of current FCC licenses, renewals, and copies of any reports filed with the FCC when changes occur.
- 2) The WTF tower owner shall arrange for a professional engineer licensed in the State of Maine to conduct inspections of the towers' structural integrity and safety.
 - a) Towers shall be inspected initially after five years, then every two years, at the tower owner's expense.
 - b) A report of the inspection results shall be submitted to the CEO and Planning Board.
 - c) Modification of existing facilities which include changes to dimension or antenna number or type may require a new structural inspection at the Planning Board or CEO's discretion.
 - d) The WTF tower owner shall pay for an independent radio frequency engineer approved by the Planning Board or their designee to evaluate the electromagnetic radiation emitted from all users of the wireless telecommunications facility every year, with the first evaluation occurring within 30 days after transmission begins. The levels of electromagnetic radiation emissions must comply with the most up-to-date FCC standards at the time of the monitoring test. A report detailing the monitoring test shall be submitted to the Code Enforcement Officer within 30 days of completion of the monitoring test. Failure to provide required inspection reports in the time schedule shall be a violation of this Ordinance.

Should the monitoring of a facility reveal that electromagnetic radiation emitted from the site exceeds the current FCC standards and guidelines, the owner(s) of any and all facilities exceeding the FCC standards and guidelines shall be notified by the CEO. In accordance with FCC requirements, the owner(s) must immediately reduce power or cease operation as necessary to protect persons having access to the site, tower, or antennas. In addition, the owner(s) shall submit to the Town an analysis of what caused the problem and a plan for the reduction of emissions to a level in compliance with the current FCC standards within 10 business days. Failure to accomplish this reduction of emissions within 15 business days of initial notification of noncompliance shall be a violation of this Ordinance.

g. Abandonment or Discontinuation of Use

- A WTF tower that is not listed as having a license in the FCC Database or is out of operation for a continuous period of twelve (12) months or more shall be considered abandoned.
- 1) At least thirty (30) days prior to the time that the tower owner plans to abandon or discontinue use of a WTF tower, said owner must notify the CEO by certified mail.
 - 2) If the CEO considers a WTF tower abandoned, the CEO shall notify the owner of an abandoned tower in writing by certified mail and order the removal of the tower within one hundred eighty (180) days of receipt of the written notice. The owner of the tower shall have forty (40) days from the date of the written notice to demonstrate to the CEO that the tower has not been abandoned.
 - 3) If the WTF tower owner fails to show that the tower is actively being operated, the tower owner shall have one hundred eighty (180) from the date of the notice required in 2) above, to remove the tower.

h. Removal

- 1) Any WTF tower, or upper portion thereof, that ceases to operate must be removed at the expense of the tower owner within one hundred eighty (180) days from the notice required in g.2) above.
- 2) Removal shall include, but not be limited to, antennas, mounts, and security barriers. Waste materials must be properly disposed of at an offsite location.
- 3) The site of the WTF tower must be restored to its pre-construction condition. The owner of the tower shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including removal of roads, and re-establishment of vegetation.
- 4) The permit holder or land owner may apply for a change of use permit that will allow the existing facilities, not including towers, to be retained for future use.

SECTION 5: LAND USE STANDARDS (General/Shoreland)

B. 35. WIRELESS TELECOMMUNICATIONS FACILITIES (WTF) (continued)

5) If the tower owner fails to remove a WTF tower in accordance with the provisions of this section, the Board of Selectmen of the Town of Hancock and/or their representatives shall have the authority to enter the property and dismantle the tower at the tower owner's expense.

i. Performance Guarantee for Removal

After approval of an application, and prior to initiating construction of any WTF tower within the Town of Hancock, the tower owner must guarantee the costs for removal of the WTF tower. See Section 9: Administrative Fees / WTF Performance Guarantee For Removal.

C. SHORELAND STANDARDS

APPLICABILITY: The following standards apply to all land areas within 250 feet, horizontal distance, of the:

- normal high-water line of any great pond or river,
- upland edge of a coastal wetland, including all areas affected by tidal action, or
- upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

These standards also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

1. AGRICULTURE

- a. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- b. Manure shall not be stored or stockpiled within one hundred feet (100'), horizontal distance, of a great pond or a river flowing to a great pond, or within seventy-five feet (75'), horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- c. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a Conservation Plan to be filed with and approved by the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- d. There shall be no new tilling of soil within one hundred feet (100'), horizontal distance, of the normal high-water line of a great pond or salt water body; within seventy-five feet (75'), horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five feet (25'), horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

SECTION 5: LAND USE STANDARDS (Shoreland)

C. 1. AGRICULTURE (continued)

- e. Newly established livestock grazing areas shall not be permitted within one hundred feet (100'), horizontal distance, of the normal high-water line of a great pond or salt water body; within seventy-five feet (75'), horizontal distance, of other water bodies and coastal wetlands; nor within twenty-five feet (25'), horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

2. ARCHAEOLOGICAL SITES

The application for any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Planning Board shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the Planning Board. The Planning board shall consider comments received from the Commission prior to rendering a decision on the application.

A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

3. CLEARING OR REMOVAL OF VEGETATION FOR ACTIVITIES OTHER THAN TIMBER HARVESTING

- a. In a Resource Protection Zone (RP) abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five feet (75'), horizontal distance, inland from the normal high-water line, except for the removal of safety hazards and with a permit from the Code Enforcement Officer. Elsewhere, in any Resource Protection Zone (RP) the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.
- b. Except in areas as described in 3.a. above, and except to allow for the development of permitted uses, within a strip of land extending one hundred feet (100'), horizontal distance, inland from the normal high-water line of a great pond, salt water body or a river flowing to a great pond or salt water body, and seventy-five feet (75'), horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - 1) There shall be no cleared opening greater than two hundred fifty (250) square feet in the forest canopy (or other existing vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six feet (6') in width as measured between tree trunks is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

SECTION 5: LAND USE STANDARDS (Shoreland)

C. 3. CLEARING OF VEGETATION FOR ACTIVITIES OTHER THAN TIMBER HARVESTING (continued)

- 2) Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a “well-distributed stand of trees” adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of twenty-four (24) or more in each twenty-five (25) foot by fifty (50) foot rectangular (1,250 square feet) area as determined by the following rating system:

Diameter of Tree at 4½ Feet Above Ground Level	Points
2 – < 4 inches	1
4 – < 8 inches	2
8 – < 12 inches	4
12 inches or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of sixteen (16) per twenty-five (25) foot by fifty foot (50) rectangular area.

The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 5:C.3.b.2) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter, measured at four and one-half feet (4½') above ground level may be removed in any ten (10) year period.

- 3) In order to protect water quality and wildlife habitat, existing vegetation under three feet (3') in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in paragraphs 3.b and 3.b.1) above.
- 4) Pruning of tree branches, on the bottom third (1/3) of a tree is allowed.
- 5) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

SECTION 5: LAND USE STANDARDS (Shoreland)

C. 3. CLEARING OF VEGETATION FOR ACTIVITIES OTHER THAN TIMBER HARVESTING (continued)

The provisions contained in paragraph 3.b above do not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- c. At distances greater than one hundred feet (100'), horizontal distance, from a great pond or river flowing to a great pond, and seventy-five feet (75), horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty percent (40%) of the volume of trees four (4) inches or more in diameter, measured four and one-half feet (4½') above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty percent (40%) calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, twenty-five percent (25%) of the lot area within the Shoreland Zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared.

- d. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- e. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

4. COMMERCIAL AND INDUSTRIAL USES

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to a great pond or salt water body, and rivers and streams which flow to great pond:

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- e. Commercial painting, wood preserving, and furniture stripping facilities
- f. Dry cleaning establishments
- g. Electronic circuit assembly facilities
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing facilities
- j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- k. Photographic processing facilities
- l. Printing facilities

5. EROSION AND SEDIMENTATION CONTROL

- a. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit under this Ordinance shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Code Enforcement Officer or Planning Board for approval, as required, and shall include, where applicable, provisions for:

SECTION 5: LAND USE STANDARDS (Shoreland)

C. 5. EROSION AND SEDIMENTATION CONTROL (continued)

- 1) Mulching and revegetation of disturbed soil.
 - 2) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - 3) Permanent stabilization structures such as retaining walls or riprap.
- b. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- c. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- d. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
- 1) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - 2) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - 3) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- e. Natural and man-made drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

6. ESSENTIAL SERVICES

- a. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- b. The installation of essential services, other than road-side distribution lines, is not allowed in the Resource Protection Zone (RP) or Stream Protection Zone (SP) except to provide services to a permitted use within said zone, or except where the applicant demonstrates that a clear necessity exists and that there is a lack of a reasonable alternative. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- c. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

7. INDIVIDUAL PRIVATE CAMPSITES

Individual, private campsites not associated with campgrounds are allowed provided the following conditions are met:

SECTION 5: LAND USE STANDARDS (Shoreland)

C. 7. INDIVIDUAL PRIVATE CAMPSITES (continued)

- a. One campsite per lot of record existing on the effective date of this Ordinance, or per forty thousand (40,000) square feet of lot area within the shoreland zone, whichever is less dense, may be permitted.
- b. Campsite placement on any lot, including the area intended for a tent platform, shall be set back one hundred feet (100'), horizontal distance, from the normal high-water line of a great pond, salt water body or river flowing to a great pond or salt water body, and seventy-five feet (75'), horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- c. Campsites shall not be located on any type of permanent foundation except for a gravel pad. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except a canopy shall be attached to the recreational vehicle.
- d. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in the Resource Protection Zone shall be limited to one thousand (1000) square feet.
- e. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- f. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

8. MINERAL EXPLORATION AND EXTRACTION

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled, or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction is not permitted in the shoreland zone.

9. MINIMUM LOT STANDARDS

- a. All lots in the Shoreland Residential (SR) Zone shall contain a minimum of (40,000 square feet) and have a minimum shore frontage of two hundred feet (200').
- b. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- c. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

SECTION 5: LAND USE STANDARDS (Shoreland)

C. 9. MINIMUM LOT STANDARDS (continued)

- d. The minimum width of any portion of any lot within one hundred feet (100'), horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- e. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

10. PARKING AREAS

- a. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the zone in which such areas are located.
- b. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and, where feasible, to retain all runoff on-site.
- c. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - 1) Typical parking space: Approximately nine feet (9') wide and eighteen feet (18') long, except that parking spaces for a vehicle and boat trailer shall be forty feet (40') long.
 - 2) Internal travel aisles: Approximately twenty feet (20') wide.

11. PIERS, DOCKS, WHARFS, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BELOW THE NORMAL HIGH-WATER LINE OF A WATER BODY OR WITHIN A WETLAND

- a. Access to the shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- b. The location shall not interfere with existing developed or natural beach areas.
- c. The facility shall not be larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- d. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- e. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

SECTION 5: LAND USE STANDARDS (Shoreland)

C. 11. PIERS, DOCKS, WHARFS, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BELOW THE NORMAL HIGH-WATER LINE OF A WATER BODY OR WITHIN A WETLAND (continued)

- f. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A., section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

12. PRINCIPAL AND ACCESSORY STRUCTURES

- a. All new principal and accessory structures shall be set back at least one hundred feet (100'), horizontal distance, from the normal high-water line of a great pond, and rivers that flow into a great pond, and seventy-five feet (75'), horizontal distance, from the normal high-water line of any salt water body tributary stream, or the upland edge of a wetland. In the Resource Protection Zone the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that zone in which case the setback requirements specified above shall apply.

Except:

- 1) The water body, tributary stream or wetland setback provision shall not apply to structures which require direct access to the water body or wetland as an operation necessity, such as piers, docks and retaining walls, or to other functionally water-dependent uses.
- 2) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and the code enforcement officer are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.
- 3) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

NOTE: All tidal land which is subject to tidal action during the maximum spring tide is coastal wetland.

SECTION 5: LAND USE STANDARDS (Shoreland)

C. 12. PRINCIPAL AND ACCESSORY STRUCTURES (continued)

- b. Principal or accessory structures and expansions of existing structures which are permitted in the Shoreland Residential Zone (SR) and Shoreland Development Zone (SD) shall not exceed thirty five feet (35') in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. SWES height shall not exceed sixty (60) feet. Amateur (ham) radio tower height, including antenna, shall not exceed one hundred ninety-five (195) feet above original grade.
- c. All new principal structures must be placed outside the floodplain, as depicted on the National Flood Insurance Program's Flood Insurance Rate Maps, except in a "developed" area. "Developed" area means one existing principal structure per 500 feet over a length of shoreline of 1,000 feet. The principal structure must be located within the 250 foot Shoreland Zone.
- d. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the one hundred (100) year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. For accessory structures within the 100-year floodplain, the standards of the Town of Hancock Floodplain Management Ordinance shall apply.
- e. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland area shall not exceed twenty percent (20%) of the lot or a portion thereof, located within the Shoreland Residential Zone (SR), including land area previously developed.
- f. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - 1) The site has been previously altered and an effective vegetated buffer does not exist;
 - 2) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - 3) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - 4) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - 5) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - 6) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - 7) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

SECTION 5: LAND USE STANDARDS (Shoreland)

C. 12. PRINCIPAL AND ACCESSORY STRUCTURES (continued)

- (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
- (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
- (iii) Only native species may be used to establish the buffer area;
- (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
- (v) A footpath not to exceed the standards in Section 5.C.3.b.1), may traverse the buffer;

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or coastal wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

- g. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four feet (4') in width; that the same structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Board of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

13. ROADS AND DRIVEWAYS

See Appendix C for Standards for construction of roads and/or driveways and drainage systems, culverts, and other related features.

14. SEPTIC WASTE DISPOSAL

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following:

- a. clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland; and
- b. a holding tank is not allowed for a first-time residential use in the shoreland zone.

15. SIGNS (Shoreland)

The following provisions shall govern the use of signs in the shoreland zones in addition to those in Section 5.B.28. :

SECTION 5: LAND USE STANDARDS (Shoreland)

C. 15. SIGNS (Shoreland) (continued)

- a. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- b. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- c. No sign shall extend higher than twenty (20) feet above the ground.

16. SMALL WIND ENERGY SYSTEMS (SWES)

The following provisions shall govern the use of Small Wind Energy Systems (SWES) in the shoreland zones in addition to those in Section 5:B.30. and in Section 5:C.12.

SWES are permitted in the Shoreland Residential and Shoreland Development Zones and shall be set back as required in Section 5: Land Use Standards. B.7.b. Dimensional Requirements Development Zones and in Section 5:B.30.

Clearing of vegetation shall be as required in Section 5: Land Use Standards C. Shoreland Standards 3. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

17. SOILS

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation prepared by a state-certified professional. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

- a. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
- b. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

18. STORM WATER RUNOFF

- a. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

19. TIMBER HARVESTING

See Appendix D for Standards related to timber harvesting.

SECTION 5: LAND USE STANDARDS (Shoreland)

C. 20. WATER QUALITY

No activity shall deposit on or into the ground or discharge to the waters of the State, any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland.

SECTION 6: CODE ENFORCEMENT OFFICER PERMITS

A. CODE ENFORCEMENT OFFICER PERMIT REQUIRED

A permit from the Code Enforcement Officer shall be required before beginning or undertaking any of the following activities:

1. **FLOOD HAZARD DEVELOPMENT PERMIT:** All construction or earth moving activities or other improvements within the 100-year flood plain designated on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
2. **SHORELAND ZONING PERMIT:** All construction or earth moving activities or other improvements within the Shoreland Zones. (Refer to Shoreland Zone and Coastal Wetland in Section 12: Definitions.)
3. **BUILDING PERMIT:**
 - a. New construction, conversion, additions, relocations and replacement or significant segment thereof, including all trailers, manufactured homes and/or recreational vehicles when connected to any utility, and/or used as a residence for a period of more than 30 days. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed. A permit is not required for the construction or placement of a dog house, children's playhouse, tool shed or similar small building having not more than 100 square feet, providing such structures shall meet all other requirements of this Ordinance. See additional reference in Section 5: Land Use Standards (Shoreland) C.12.a.3)
 - b. The replacement of existing road culverts in the Shoreland Area, unless the replacement culvert is:
 - 1) Not more than twenty-five percent (25%) longer than the culvert being replaced;
 - 2) Not longer than seventy-five feet (75'); and
 - 3) Provided that adequate erosion control measures are taken to prevent sedimentation of the water, and that the crossing does not block fish passage in the water course.
 - c. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.
4. **MOVING OR DEMOLITION PERMIT:** All buildings or structures which are removed from or moved onto, or moved around within a lot, or demolished in a hazardous manner.
5. **CHANGE OF USE PERMIT:** The change of any premises from one category of land use to any other land use. A change of use may also require a permit from the Local Plumbing Inspector (LPI).
6. **SEASONAL CONVERSION:** The conversion of a seasonal dwelling unit to year-round use requires a permit from the Local Plumbing Inspector (LPI).
7. **ACTIVITIES LISTED IN THE SCHEDULE OF USES:** Any activity listed in Section 4, of this Ordinance, as requiring a permit from the Code Enforcement Officer.
8. **SITE PLAN REVIEW ACTIVITIES:** Any buildings or structures approved by the Planning Board under the Site Plan Review provisions of Section 7, of this Ordinance.
9. **SIGN PERMIT:** Refer to Sections 5.B.28 and 5.C.15 for standards.

SECTION 6: CODE ENFORCEMENT OFFICER PERMITS

B. PROCEDURE

1. **APPLICATION:** All applications for a Code Enforcement Officer permit shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose, together with such fees as required in Section 9 of this Ordinance.
2. **SUBMISSIONS:** All applications for a Code Enforcement Officer permit shall be accompanied by a plan, accurately drawn to scale, and showing:
 - a. The actual shape and dimensions of the lot for which a permit is sought;
 - b. The location and size of all buildings, structures, and other significant features currently existing on the lot, as well as all water bodies and wetlands within two hundred fifty feet (250') of the property boundaries;
 - c. The location of new buildings, structures or portions thereof to be constructed;
 - d. The existing and intended use of each building or structure;
 - e. Where applicable, the location of soils test pits, subsurface sewage disposal system, parking lots and driveways, signs, buffer strips and private wells; and
 - f. Such other information as may be reasonably required by the Code Enforcement Officer to provide for the administration and enforcement of this Ordinance.
 - g. Additional information regarding proposed wireless telecommunications facility (WTF) expansion or colocation on an existing wireless telecommunications tower that does not increase tower height.

The following information regarding the WTF expansion or colocation is required:

1. The name, address, and telephone number of the applicant and any co-applicants, as well as their agents. Corporations must list any local as well as national offices, addresses and telephone numbers and names of contact persons.
 2. Documentation of the applicant's right, title or interest in the property where the facility is to be sited.
 3. The Tax Map and Lot Number and the Hancock 911 Address of the parcel.
 4. A copy of the FCC license for the facility or a signed statement from the owner of the facility attesting that the facility complies with current FCC regulations, EIA/TIA and ANSI codes.
 5. A copy of the signed contract with the owner of the facility guaranteeing the colocator agrees to abide by the owner's permit conditions.
 6. A drawing of the colocator's location on the WTF tower with a description of the expansion.
3. **TO WHOM ISSUED:** No permit shall be issued except to the owner of record or an authorized agent. Written proof of authorization shall be required.
 4. **COMPLIANCE WITH LAND USE STANDARDS:** All activities undertaken pursuant to a permit issued under this Section shall comply with all applicable standards set forth in Section 5 of this Ordinance. An application for WTF expansion or colocation shall meet the following standards:
 - a. The proposed facility is an expansion, accessory use, or colocation to a structure existing at the time the application is submitted.
 - b. The applicant has sufficient right, title, or interest to locate the proposed facility on the existing structure.
 - c. The proposed expansion shall not increase the height of the existing WTF tower.

SECTION 6: CODE ENFORCEMENT OFFICER PERMITS

B. PROCEDURE (continued)

5. **DEADLINE FOR DECISION:** The Code Enforcement Officer shall, within thirty (30) days of receipt of an application, issue the permit, if all proposed construction and uses meet the provisions of the Ordinance, refer the applicant to the Planning Board for Site Plan Review, or deny the application. All decisions of the Code Enforcement Officer shall be in writing. Failure of the Code Enforcement Officer to act within thirty (30) days shall constitute denial of the application.
6. **COPIES:** Two (2) copies of the application, with the permit or other written decision of the Code Enforcement Officer, shall be returned to the applicant, and two (2) copies, with a copy of the permit or written decision shall be retained by the Code Enforcement Officer as a permanent public record.
7. **POSTING:** The applicant shall conspicuously post any permit issued, on the lot where the activity will occur, at a location clearly visible from the road.
8. **COMMENCEMENT AND COMPLETION OF WORK:** Construction and alteration activities on projects for which a permit has been granted under this Section shall commence within twelve (12) months of the date of issuance of the permit and shall be substantially completed within twenty-four (24) months of that date.

Activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the permit issued under this Section shall be considered void.

Activities may be extended for up to twelve (12) months by the Code Enforcement Officer, for good cause, if an application for an extension is submitted not later than thirty (30) days prior to expiration of the prior permit.

9. **APPEALS:** Appeals from decisions of the Code Enforcement Officer may be taken pursuant to Section 11 of this Ordinance.

SECTION 7: SITE PLAN REVIEW

A. PURPOSE

The purpose of Site Plan Review is to promote the public health, safety, and general welfare by requiring Planning Board review of plans for certain uses or structures which have a significant potential impact on the neighborhood or the environment.

B. ACTIVITIES REQUIRING SITE PLAN REVIEW

Except as provided in Sub-Section 7.C, below, Site Plan Review and Approval by the Planning Board may be required for:

1. Any proposed use designated in Section 4, (items marked P on chart) as requiring review by the Planning Board and possible site plan review;
2. The construction, substantial alteration or external enlargement of any existing building or structure devoted to a use requiring Site Plan Approval from the Planning Board; and
3. The enlargement or expansion of the parking, loading, outdoor display or storage area of any commercial or industrial use.

C. ACTIVITIES NOT REQUIRING SITE PLAN REVIEW

Unless specifically required by Section 4, Site Plan Review shall not be required for:

1. Uses designated in Section 4 as requiring only a permit from the Code Enforcement Officer or as requiring no permit at all;
2. External enlargement of a building otherwise requiring Site Plan Review, provided that such enlargement shall not exceed three hundred (300) square feet in gross floor area; that the use doesn't change or require additional review, i.e., parking, septic and other criteria of site plan review; and that only one (1) such enlargement shall be permitted in any five (5) year period without Site Plan Review; and
3. Any hazardous activity identified by the Maine Department of Environmental Protection, as exempt from the definition of hazardous activity in 38, M.R.S.A., Section 482, Sub-Section 2-C, including domestic and other uses of substances in quantities too small to present a significant risk of ground water contamination.

D. CLASSIFICATION OF PROJECTS

Projects subject to Site Plan Review shall be classified by the Code Enforcement Officer as either major or minor development.

Projects classified as Minor Developments shall submit the information specified in Section 7.F 1 through 9. Projects classified as Major Developments, in addition to submitting the information required of Minor Developments, shall submit the information specified in Section 7.G, 1 through 13, unless certain submission requirements have been waived (see Section 7.P).

1. MAJOR DEVELOPMENTS: Projects involving any of the following shall be classified by the Code Enforcement Officer as a Major Development:
 - a. Any project which contemplates drilling for or excavating natural resources, including mineral extraction, on land or under water where the area affected is in excess of 30,000 square feet;

SECTION 7: SITE PLAN REVIEW

D. CLASSIFICATION OF PROJECTS (continued)

b. Hazardous activities involving the consumption, generation, or handling of:

- 1) Hazardous wastes as defined in 38 M.R.S.A., Section 1303-C.;
- 2) Hazardous materials as defined in 38 M.R.S.A., Section 1317;
- 3) Oil, as defined in 38 M.R.S.A., Section 542; and
- 4) Low-level radioactive wastes, as defined in 38 M.R.S.A., Section 1451.

c. Any building or buildings on a single parcel constructed or erected with a fixed location which occupies a ground area (footprint) in excess of 20,000 square feet;

d. Any project where parking lots, roads, paved areas, or other areas to be stripped or graded and not to be revegetated causes the total project, including any buildings, to occupy a ground area in excess of 60,000 square feet;

e. Any project which is a conversion of an existing project meeting the description in c and d, above; and

f. Any multi-unit housing development involving a building or buildings built for the purpose of providing ten (10) or more housing units located on a single parcel of land.

2. MINOR DEVELOPMENTS: Projects not classified by the Code Enforcement Officer as a Major Development shall be considered a Minor Development under this Section.

E. PROHIBITION

No activity or use described in Section 7.B shall commence until the property owner has received Site Plan Approval from the Planning Board and has received any necessary permits from the Code Enforcement Officer under Section 6.

F. SITE PLAN REVIEW APPLICATION

Applications for Site Plan Review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the Code Enforcement Officer who shall forward it to the Planning Board. The submission shall contain at least the following exhibits and information:

1. APPLICATION FORM: A fully executed and signed copy of the application form;

2. FEES: Site Plan Review Fees in the amounts specified in Section 9.C;

3. ORIGINALS: One (1) original of all maps and drawings on durable, permanent transparency material;

4. COPIES: Ten (10) copies of written materials including ten (10) sets of maps or drawings containing the information listed below. The written materials for major site plan review shall be contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval, not less than 1" = 40' or a scale acceptable to the Code Enforcement Officer and Planning Board.

SECTION 7: SITE PLAN REVIEW

F. SITE PLAN REVIEW APPLICATION (continued)

5. GENERAL INFORMATION: The following general information is required:

- a. Name of owner of record and address;
- b. Applicant's name and address if different;
- c. The name of the proposed development;
- d. Names and addresses of all property owners within three hundred (300) feet, and one thousand (1,000) feet for Wireless Telecommunications Facilities (WTF), of the edge of the property line;
- e. Sketch map showing general location of the site within the Town;
- f. Location map showing the boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;
- g. The tax map(s), lot number(s), and 911 address of the parcel or parcels;
- h. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title, or interest in the property on the part of the applicant; and
- i. The name(s), registration number(s), and seal(s) of the land surveyor, architect, engineer, and/or similar professionals assisting with the preparation of the plan.

6. INFORMATION REGARDING EXISTING CONDITIONS: The following information regarding existing conditions is required:

- a. Zoning classifications(s) of the property and the location of zoning district boundaries if the property is located in more than one (1) zoning district or abuts a different district;
- b. The bearings and distances of all property lines of the property to be developed and the source of this information, prepared by a registered land surveyor as a Standard Boundary Survey;
- c. Location and size of any existing sewer and water mains, culverts, and drains on the property to be developed and of any that will serve the development from abutting streets or land;
- d. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development;
- e. The location, dimensions, and ground floor elevations of all existing buildings on the site;
- f. The location and dimensions of existing driveways, streets, parking and loading areas, and walkways on the site;
- g. Location of roads or driveways within two hundred (200) feet of the boundaries of the site;
- h. Existing Topography of the site at an appropriate contour interval (1', 2', or 5') depending on the nature of the use and character of the site;

SECTION 7: SITE PLAN REVIEW

F. SITE PLAN REVIEW APPLICATION (continued)

- i. Major natural features on the site and including within two hundred fifty feet (250') of the boundaries of the site, wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats or other important natural features;
 - j. Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified;
 - k. The location of open drainage courses, wetlands, significant stands of trees, and other important natural features, with a description of such features to be retained;
 - l. The direction of existing surface water drainage flow across the site;
 - m. The location and dimensions of existing signs;
 - n. The location and type of all existing exterior lighting; and
 - o. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
 - p. Identification of historic sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed in the National Register of Historic Places.
7. INFORMATION REGARDING PROPOSED DEVELOPMENT ACTIVITY: The following information regarding the proposed development activity is required:
- a. The location of all building setbacks, yards, and buffers required by this Ordinance;
 - b. The location, dimensions, including heights, and ground floor elevations of all proposed buildings on the site;
 - c. The location and dimensions of proposed driveways, parking and loading areas, and walkways;
 - d. The location and dimensions of all proposed water supply and wastewater disposal systems;
 - e. The direction of proposed surface water drainage flow across the site;
 - f. Location, front view, and dimensions of proposed signs;
 - g. Location and type of proposed exterior lighting;
 - h. Proposed landscaping and buffering; and
 - i. A schedule of construction, including anticipated beginning and completion dates.
 - j. Proposed topography of the site at one (1), two (2), or five (5) foot contour intervals, or such closer intervals as the Planning Board may determine;

SECTION 7: SITE PLAN REVIEW

F. SITE PLAN REVIEW APPLICATION (continued)

8. ADDITIONAL INFORMATION REGARDING PROPOSED SMALL WIND ENERGY SYSTEMS (SWES): The following information regarding proposed small wind energy systems is required:

- a. Specific information on the tower type and height, rotor diameter and material, rated power output, performance, safety and noise characteristics of the system including name and address of the manufacturer, and model.
- b. A site plan to scale showing, in addition to information required in F.7., the planned location of the SWES and location of and distance to setback lines, property lines, roads, driveways, ROWs, overhead utility lines, existing and proposed structures, including their use, tree cover and average height of trees on the subject property, and adjacent properties within 300 feet.
- c. A plan at an appropriate scale showing within 2500 feet of the proposed SWES any areas designated as historic sites or important bird areas identified as significant wildlife habitat by the State.
- d. Proposal for landscaping and screening, if applicable.
- e. A scaled representation of the SWES showing system height and evidence that the proposed height does not exceed the height recommended by the manufacturer of the system.
- f. Structural drawings from manufacturer or engineer showing tower, foundation and anchor design along with specifications for soil conditions at the site. Also an analysis, including standards, for ice and wind loading.
- g. A line drawing of the electrical components of the system in sufficient detail to determine that the installation conforms to all applicable electrical codes.
- h. Emergency and normal shutdown procedures.
- i. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected customer-owned electricity generator unless the system will not be connected to the electricity grid.
- j. Photographs of the proposed site.

9. ADDITIONAL INFORMATION REGARDING PROPOSED WIRELESS TELECOMMUNICATIONS FACILITIES (WTF).

The following information regarding proposed wireless telecommunications facility is required:

- a. New facilities, expansion or colocation on an existing wireless telecommunications facility tower that increases the WTF tower height.
 - 1) The name, address, and telephone number of the applicant and any co-applicants, as well as their agents. Corporations must list any local as well as national offices, addresses and telephone numbers and names of contact persons.
 - 2) Copy of applicant's recorded right, title or interest with a legal description of the lease.
 - 3) Recorded easement(s), if required to satisfy setback requirements.

SECTION 7: SITE PLAN REVIEW

F. SITE PLAN REVIEW APPLICATION (continued)

9. ADDITIONAL INFORMATION REGARDING PROPOSED WIRELESS TELECOMMUNICATIONS FACILITIES (WTF). (continued)

- 4) A copy of the FCC license for the facility or a signed statement from the owner of the facility attesting that the facility complies with current FCC regulations.
- 5) A United States Geological Survey 7.5 minute topographic map showing the current location of all structures and wireless telecommunication facilities above 100 feet in height from the ground level, except antennas located on roof tops, within a 5 (five) mile radius of the proposed facility. This requirement may be met by submitting information from the FCC Tower Registration Database current within thirty days prior to the date the application is filed.
- 6) A site plan, prepared and certified by a professional engineer licensed in the State of Maine indicating: the location, type, height of the proposed tower and antenna capacity, on-site and abutting off-site land uses; means of access; setbacks from property lines; and easements.
- 7) Certification by a professional engineer licensed in the State of Maine that the proposed facility meets industry standards and satisfies all Federal, state and local building code requirements. Certificates of compliance with American National Standards Institute (ANSI) and Electronics Industry Association Telecommunications Industry Standards Institute (EIA/TIA) codes included with prefabricated towers may be submitted as an alternative.
- 8) Location map and elevation drawings of the proposed tower and equipment shelter(s) showing height above ground level, color, and identifying structural materials.
- 9) Scaled elevation drawing showing maximum future collocator capacity and antenna array.
- 10) A landscaping plan indicating the proposed placement of the facility on the site; protections for any ecologically sensitive areas within the boundary of the facility; the type and location of plants proposed to screen the facility; and the method and color of fencing, and the color of the structures.
- 11) Color photo simulations of the proposed facility. Each photo should be labeled with line of site, elevation, and the date taken. Photos must show the color of the facility, tower, transmission lines and method of screening of the proposed facility.
- 12) A balloon test, or other comparable test, showing the proposed height and location of a WTF tower, may be required at the applicant's expense prior to public hearing. Adequate notice to the public of the test shall be given as directed by the Planning Board.
- 13) A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.
- 14) Evidence demonstrating that no existing collocation can accommodate the applicant's proposed facility, the evidence for which may consist of any one or more of the following:
 - a) Evidence that no existing facilities are located within the targeted market area as required to meet the applicant's engineering requirements.
 - b) Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.

SECTION 7: SITE PLAN REVIEW

F. SITE PLAN REVIEW APPLICATION (continued)

9. ADDITIONAL INFORMATION REGARDING PROPOSED WIRELESS TELECOMMUNICATIONS FACILITIES (WTF). (continued)

- c) Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:
 - i) Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.
 - ii) The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.
 - iii) Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.
 - 15) Evidence that the applicant has made diligent good faith efforts to negotiate colocation on an existing WTF tower and has been denied access.
 - 16) A signed statement stating that the owner of the wireless service facility agrees to the following standard conditions of approval:
 - a) to respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
 - b) to negotiate in good faith for shared use of the wireless service facility by third parties;
 - c) to allow shared use of the wireless service facility if an applicant agrees in writing to pay reasonable charges for co-location.
 - d) to require no more than a reasonable charge for shared use. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation; and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility; and
 - e) to maintain the structures in good condition. Such maintenance shall include, but is not limited to, painting, structural integrity of the mount and security barrier, buffer areas, and landscaping.
 - 17) Two estimates for the cost of removal of the tower for a letter of credit performance guarantee.
- b. Expansions or colocation on an existing wireless telecommunications facility tower that does not increase the tower height requires approval by the Code Enforcement Officer. See Section 6: Code Enforcement Officer Permits B.2. Submissions., and B.4. Compliance with Land Use Standards.

SECTION 7: SITE PLAN REVIEW

G. ADDITIONAL INFORMATION REQUIRED OF MAJOR DEVELOPMENTS

Applications for major developments shall include the following additional information:

1. A storm water drainage and erosion control program showing:
 - a. The existing and proposed method of handling storm water run-offs;
 - b. The direction flow of the run-off through the use of arrows;
 - c. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers;
 - d. Engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed; and
 - e. Methods of controlling erosion and sedimentation during and after construction.
2. A groundwater impact analysis prepared by a groundwater hydrologist for projects involving common on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day.
3. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.
4. A planting plan and schedule keyed to the site plan and indicating the general species and sizes of trees, shrubs, and other plants to be planted on the site.
5. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
6. A written statement from a professional engineer as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows.
7. Fire fighting water capacity certified as adequate by the Hancock Fire Chief.
8. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.
9. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared or approved by a professional engineer registered in the State of Maine.

SECTION 7: SITE PLAN REVIEW

G. ADDITIONAL INFORMATION REQUIRED OF MAJOR DEVELOPMENTS (continued)

10. The location of any pedestrian ways, lots, easements, open spaces, and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until such time as they may be accepted by the Town.
11. Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, and such easements, parks, or other open space dedicated for public use as required by the Planning Board, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the developer, are to be maintained.
12. If the development is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met. If the development is a clustered development, evidence shall be presented that all other requirements of this Ordinance pertaining to clustered development have been met. The submission shall include copies of the by-laws of any homeowners' or condominium association charged with maintaining common spaces and lands. Homeowners' associations or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the development after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public ways.
13. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and their interest in financing the project.

H. REVIEW PROCEDURES

The procedures for Site Plan Review are as follows:

STEP 1: SUBMISSION OF COMPLETED APPLICATION TO THE CODE ENFORCEMENT OFFICER

The applicant shall submit the requisite number of copies of his/her application and supporting information required by Sub-Section 7.F.

STEP 2: CODE ENFORCEMENT OFFICER CLASSIFICATION AND REVIEW

1. **DATED RECEIPT.** The Code Enforcement Officer shall issue the applicant a dated receipt.
2. **CLASSIFICATION:** The Code Enforcement Officer shall review the application and classify it as either a Major or Minor Development in accordance with the provisions of Sub-Section 7.D. If the proposal is classified as a Major Development, the applicant shall be required to submit the additional information required in Sub-Section 7.G of this Section.
3. **FEES SUBMITTED:** After classification, the applicant shall provide the Code Enforcement Officer with the applicable fees established In Section 9.C.
4. **REVIEW FOR COMPLETENESS:** The Code Enforcement Officer shall initially review the application and determine whether or not it is complete.

SECTION 7: SITE PLAN REVIEW

H. REVIEW PROCEDURES (continued)

5. **NOTICE OF INCOMPLETE APPLICATION:** If the application is found to be incomplete, the Code Enforcement Officer shall, within ten (10) days, notify the applicant in writing of the information needed to complete the application. Upon the applicant's submission of such additional information, Steps 1 through 4 shall be repeated.
6. **APPLICATION FORWARDED:** If the application is found to be complete, the Code Enforcement Officer shall forward copies of the application and supporting documents to the Planning Board and place the project on the agenda of the next Planning Board meeting occurring in not less than fourteen (14) days.
7. **NOTICE TO ABUTTERS:** Abutting property owners shall be notified by mail by the Town, of all pending applications for Site Plan Review. This notice shall indicate the time, date, and place of Planning Board consideration of the application.

STEP 3: PROFESSIONAL CONSULTANT REVIEW

The Town may at its discretion retain the services of a professional consultant to advise on any proposed development who, after being provided with supporting documents, will determine whether the application is complete.

1. **COMPLETE APPLICATION:** Whether or not the information has been submitted required by Sub-Section 7.F and if applicable Sub-Section 7.G;
2. **COMPLIANCE WITH LAND USE STANDARDS:** Whether or not the proposed development meets the requirements of the applicable Land Use Standards contained in Section 5 of this Ordinance; and
3. **CRITERIA OF APPROVAL:** Whether or not the applicant has adequately addressed the Criteria for Approval contained in Sub-Section 7.I of this Section.

STEP 4: PLANNING BOARD REVIEW

At the meeting of the Planning Board at which the proposed development is scheduled to be reviewed, the Planning Board shall:

1. **CEO AND PROFESSIONAL CONSULTANT REPORTS:** Hear any report of the Code Enforcement Officer and if the town has retained the services of a professional planner or consultant, their report(s) regarding the proposed development;
2. **APPLICANT'S RESPONSE:** Hear any comments of the applicant regarding the Code Enforcement Officer's and any other report(s);
3. **REQUEST FOR WAIVERS:** Hear any requests from the applicant for waivers pursuant to Sub-Sections 7.P and 7.Q;
4. **DETERMINATION OF COMPLETENESS:** Determine whether or not the application is complete;
5. **NOTICE OF INCOMPLETENESS:** If the application is determined to be incomplete, the Board shall inform the Code Enforcement Officer of the information required to make the application complete. The Code Enforcement Officer shall, within ten (10) days, inform the applicant, in writing, of the additional information required by the Planning Board. Upon the applicant's submission of such additional material, Steps 1, 2, 3, and 4 shall be repeated.

SECTION 7: SITE PLAN REVIEW

H. REVIEW PROCEDURES (continued)

6. DECIDING ON PUBLIC HEARING: If the application is determined to be complete, the Board shall deem the application pending and shall determine whether or not to set the matter to public hearing. If a public hearing is set, such hearing shall take place within forty-five (45) days of the Planning Board's determination that the application is complete. This deadline may be extended by mutual agreement of the Board and the applicant, either in writing or orally, on the record at a public meeting.

If the proposed development has been classified as a Major Development or is a Wireless Telecommunications Facility (WTF) such public hearing shall be mandatory. If the proposed development has been classified as a Minor Development such public hearing shall be held at the discretion of the Planning Board.

Public hearing held for the purpose of hearing testimony regarding proposals requiring Site Plan Approval under this Ordinance and notice thereof, shall be governed by Sub-Section 7.J. of this Section.

STEP 5: PLANNING BOARD DELIBERATION AND DECISION

1. DELIBERATION

Within thirty-five (35) days after the public hearing on an application, or within thirty-five (35) days of a determination of completeness by the Board, if no hearing is held, the Planning Board shall deliberate to determine whether the proposed Site Plan complies with all applicable land use standards set forth in Section 5 and meets the Criteria of Approval set forth in Sub-Section 7.1. This deadline may be extended by mutual agreement of the Board and the applicant, either in writing or orally, on the record at a public meeting.

2. DECISION

If the Planning Board finds that the proposed Site Plan complies with all such standards it shall issue an order granting Site Plan Approval subject to such terms and conditions as the Board considers advisable to ensure conformity with Site Plan Review Standards and criteria of this Ordinance, or to protect the public's health, safety, or general welfare. If the Planning Board finds that the proposed Site Plan does not comply with all applicable review standards, it shall issue an order denying Site Plan Approval. In either case the Planning Board shall, within ten (10) working days after the completion of its deliberations, issue specific written findings of fact supporting its decision.

STEP 6: CEO BUILDING PERMIT

If the Board approves the Site Plan Application, the Code Enforcement Officer shall issue a building permit, provided that, in his/her opinion, all other requirements of the Ordinance have been met.

I. SITE PLAN REVIEW CRITERIA

The Planning Board in reviewing projects requiring Site Plan Approval under this Ordinance shall make positive written findings that the applicant has submitted clear and convincing evidence that:

1. Adequate provision has been made for off street parking and loading;
2. Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of, and within the proposed project. The Board shall consider traffic movement both on-site and off-site in making its determination under this criteria;
3. Any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development;

SECTION 7: SITE PLAN REVIEW

I. SITE PLAN REVIEW CRITERIA (continued)

4. That the proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems, and/or any other adverse effects of inadequate drainage;
5. Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site;
6. Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property;
7. Adequate provision has been made with regard to Buffers, Screening, Landscaping, and the preservation and Enhancement of Significant natural features;
8. Adequate provision has been made to avoid unreasonable adverse effects on the scenic or natural beauty of the area, aesthetics, historic sites, rare and irreplaceable natural areas, existing uses, air quality, water quality, or other natural resources within the town or in neighboring towns;
9. Whenever a project is situated, in whole or in part, within two hundred fifty feet (250'), horizontal distance, of the normal high-water line of any water body, or within two hundred fifty feet (250') horizontal distance, of the upland edge of a freshwater wetland, or within seventy five feet (75'), horizontal distance, of the normal high-water line of a stream, adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities, and actual points of public access to waters;
10. Adequate provision has been made to prevent any significant adverse effect upon the public health, safety, or general welfare of the neighborhood or community;
11. Adequate provision has been made to prevent any undue adverse effect upon the property values of adjacent or nearby properties;
12. Adequate provision has been made to avoid any undue burden on municipal services;
13. Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements; and
14. Adequate provision has been made to assure that the proposed development conforms in all respects with the provisions of this Ordinance.

J. PUBLIC HEARING PROCEDURES

Site Plan Review public hearings and notice thereof shall comply with the following procedures:

1. **PUBLISHED NOTICE:** Notice of said hearing shall be published in a newspaper of general circulation in the Town of Hancock at least seven (7) days prior to the hearing.

SECTION 7: SITE PLAN REVIEW

J. PUBLIC HEARING PROCEDURES (continued)

2. **MAILED NOTICE:** At least fourteen (14) days prior to the hearing date, written notice of said hearing shall also be mailed to the applicant, to the owners of all property within three hundred feet (300'), or one thousand (1,000) feet for a WTF, of the property in question, to the Chair of the Hancock Board of Selectpersons. The owners of property shall be considered to be those shown on the Town's tax list as the persons against whom taxes are assessed. The Planning Board shall, in each case, maintain a list of property owners so notified. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records. Failure of any property owner to actually receive notice shall not necessitate another hearing or invalidate any actions of the Planning Board.
3. **CONTENT OF NOTICE:** Notice of said hearing shall identify the applicant and the property involved, describe the specific nature of the proposal, state the date, time and place of the hearing, and explain how the recipient of the notice may attend and present evidence.
4. **RULES:** Said hearings shall be conducted according to rules adopted by the Planning Board.
5. **REPRESENTATION:** At any hearing a party may be represented by an agent or attorney provided, however, if any party is not present, any person acting as that party's agent or attorney shall provide written evidence of such authority.
6. **CONTINUATION:** Any hearing may be continued or recessed to another time for good cause shown or upon written or recorded agreement of the Board and the applicant.

K. PROFESSIONAL REVIEW

1. **ADDITIONAL STUDIES:** The Planning Board may require the applicant to undertake any additional studies which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.
2. **INDEPENDENT TECHNICAL REVIEW:** The Planning Board may require that an independent consultant(s) review one (1) or more submissions of an application. The independent consultant(s) shall report to the Planning Board as to the project's compliance or noncompliance with the applicable provisions of this Ordinance and recommend, if appropriate, those actions which will result in compliance. Such consultants shall be fully qualified to provide the required information, and may include:
 - a) An Attorney;
 - b) A Community Planner;
 - c) A Registered Professional Engineer;
 - d) A Registered Architect;
 - e) A Registered Landscape Architect;
 - f) A Registered Geologist;
 - g) A Licensed Soil Scientist;
 - h) A Registered Land Surveyor; or
 - i) Any other Registered/Licensed Professional or independent Expert Witness deemed fully qualified and mutually acceptable to the Town and the applicant.

The consultant(s) selected shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost in accordance with Section 9.C.

SECTION 7: SITE PLAN REVIEW

L. FAILURE TO ACT

Failure of the Planning Board to act within any of the time requirements set forth herein shall constitute a denial of the application.

M. EXPIRATION OF APPROVALS

All Site Plan Approvals shall expire within eighteen (18) months of the date of issuance unless work thereunder is commenced within eighteen (18) months from the date of issuance. If work is not substantially completed within two (2) years from the date of issuance, a new application shall be required. The Planning Board may grant an extension upon application.

N. OTHER PERMITS

The granting of Site Plan Approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use. Such other required permits or approvals may include, but are not limited to, subdivision approval, building, plumbing and electrical permits, licenses granted pursuant to 38 M.R.S.A., Sub-Section 1022, Maine Department of Environmental Protection and United States Army Corps of Engineer's approvals, subsurface wastewater disposal permits, sewer connection permits, Maine Department of Transportation approvals, and the like. The fact that the applicant may have obtained or may have been granted such permits or approvals prior to Site Plan review may be considered by the Planning Board as evidence as to the plan's compliance with applicable review standards, but shall not be deemed conclusive evidence as to compliance.

O. ACCESS TO SITE AND RECORDS

The Town shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project. The applicant, by accepting a Building Permit, waives any objection to the Town having access to the site to review the progress of the work or to review all records and documents related to the Project.

P. WAIVER OF SUBMISSIONS REQUIREMENTS

The Planning Board may, for good cause shown and only upon the written request of an applicant specifically stating the reasons therefore, waive any of the application requirements set forth in Subsection 7.F and 7.G of this Section provided such waiver will not unduly restrict the review process. The Planning Board may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may include the Board's finding that particular submissions are inapplicable, unnecessary, or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the Planning Board may, at any later point in the review process, rescind such waiver if it appears that the submission previously waived is necessary for an adequate review. A request for a submission previously waived shall not affect the pending status of an application.

Q. WAIVER OF REVIEW CRITERIA

The Planning Board, may upon the written request of an applicant specifically stating the reasons therefore, waive any of the Review Criteria set forth in Sub-Section 7.1 when it finds that such waiver is reasonable and that the public health, safety, or welfare would not be adversely affected by such a waiver.

SECTION 8: CERTIFICATE OF OCCUPANCY/USE

A Certificate of Occupancy/Use certifying that all applicable provisions of this Ordinance have been satisfied shall be obtained from the Code Enforcement Officer:

1. After a building, structure, or part thereof has been erected, altered, enlarged or moved pursuant to a permit, site plan approval or subdivision approval, for the proposed use before the building or structure or part thereof may be used or occupied;
2. After a building has been modified to accommodate additional dwelling units before such units may be used or occupied;
3. After a building has been modified to accommodate additional commercial, institutional, or industrial uses before such spaces may be used or occupied;
4. After a building or structure has been modified to accommodate a home occupation before said home or structure may be used or occupied for a home occupation;
5. Before a change in use of a non-conforming structure or lot; and
6. Before the occupancy and use, or change in use, of vacant land, except for the raising of crops.

SECTION 9: ADMINISTRATIVE FEES/WTF PERFORMANCE GUARANTEE FOR REMOVAL

A. GENERAL PROVISIONS

1. **APPLICATIONS CONSIDERED INCOMPLETE UNTIL PAYMENT OF REQUIRED FEE:** Applications for any of the permits, approvals, or certificates specified below which are not accompanied by the required fee shall be considered incomplete and no action will be taken on said application until the required fee has been received by local officials.
2. **FEE TO BE PAID TO TOWN:** All fees shall be paid in the form of a check, cash or suitable legal tender, to the Town of Hancock and the purpose of the fee shall be clearly indicated on the receipt for same.

B. BUILDING FEES

BUILDING PERMIT APPLICATIONS: Fees for all applications for Building Permits issued by the Code Enforcement Officer, shall be set by the Board of Selectpersons.

Where a permit is not obtained until after construction begins the fee shall be tripled. This triple fee is in addition to any fine or penalty imposed for violating this Ordinance by failing to obtain a Building Permit prior to starting construction.

C. ORDINANCE AND SITE PLAN REVIEW FEES

1. COPIES OF ORDINANCE

The non-refundable fee for each copy of this Ordinance is the cost of reproduction per copy, as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. (See Fee Schedule)

2. APPLICATION PROCESSING FEE

The Application Processing Fee is required to cover the administrative handling costs associated with Site Plan Review under this Ordinance.

The non-refundable fee to accompany the application for Site Plan Review as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. The fee shall reflect the reasonable cost of processing, review, regulation and supervision of the application. (see Fee Schedule)

SECTION 9: ADMINISTRATIVE FEES/WTF PERFORMANCE GUARANTEE FOR REMOVAL

C. ORDINANCE AND SITE PLAN REVIEW FEES (continued)

3. TECHNICAL REVIEW FEE

In addition to the fees for copies of the Ordinance and the Application Processing Fee, the applicant may be required to pay a separate fee as the same may be established from time to time by the Board of Selectpersons, after notice and hearing (see Fee Schedule). This fee is to be used to reimburse the time and expenses incurred by the Town and such other independent consultant(s) the Board may deem necessary to assist it with its review of the application. Such other consultants shall be fully qualified to provide the required assistance, and may include:

- a. An Attorney;
- b. A registered Professional Engineer;
- c. A Registered Architect;
- d. A Professional Planning Consultant;
- e. A Registered Landscape Architect;
- f. A Registered Geologist;
- g. A Licensed Soil Scientist;
- h. A Registered Land Surveyor; or
- i. Any other Registered/Licensed Professional or independent Expert Witness deemed fully qualified and mutually acceptable to the Board and the applicant.

This Technical Review Fee shall be paid prior to the start of the Planning Board's review of any application for Site Plan Review.

This fee shall be paid in the form of a check, cash or suitable legal tender, paid to the Town of Hancock and the purpose of the fee shall be clearly indicated on the receipt for same.

If the balance of the unexpended funds are drawn down by fifty percent (50%) or more, the applicant shall be notified and required to pay an additional amount as the same may be established from time to time by the Board of Selectpersons, after notice and hearing (see Fee Schedule). The applicant shall continue to be notified and required to pay the appropriate additional amounts as necessary whenever the balance of the funds is drawn down by 50% of the original amount. Failure to pay the required amount within 30 days shall also be a violation of this Ordinance and be cause to stop the review process.

Any balance remaining, after the completion and inspection of required improvements, shall be returned to the applicant.

D. WTF PERFORMANCE GUARANTEE FOR REMOVAL

1. After approval of a permit application, and prior to initiating construction of any WTF tower within the Town of Hancock, the tower owner shall guarantee the costs for the removal of the WTF tower.
 - a. The amount of the guarantee shall be equal to the estimated removal cost, provided by the tower owner and certified by a professional engineer licensed in the State of Maine.
 - b. The owner of the WTF tower shall provide the Board of Selectmen with a revised removal cost estimate and structural evaluation prepared by a professional engineer licensed in the State of Maine every five (5) years from the date of the Planning Board's approval of the site plan.
 - c. If the cost has increased more than fifteen (15) percent, then the tower owner of the facility shall provide additional security in the amount of the increase.

SECTION 9: ADMINISTRATIVE FEES/WTF PERFORMANCE GUARANTEE FOR REMOVAL

D. WTF PERFORMANCE GUARANTEE FOR REMOVAL (continued)

2. TYPE AND CONTENTS OF GUARANTEE

An irrevocable letter of credit from a bank or other lending institution. The letter of credit shall indicate that funds have been set aside for the removal of the wireless telecommunications facility and may not be used for any other project or loan.

The conditions and amount of the performance guarantee shall be determined by the Board of Selectmen with the advice of the Town Attorney, expenses paid for by the applicant.

3. RELEASE OF GUARANTEE

Prior to the release of any part of the performance guarantee, the Board of Selectmen shall determine to its satisfaction, that the removal meets or exceeds the design requirements for which the release is requested.

4. DEFAULT

If upon inspection, the CEO or other inspecting official finds that any of the required removal has not been performed in accordance with the approved plans and specifications, he shall report in writing to the Board of Selectmen, and the permit holder and guarantor. The permit holder shall have 30 days, unless otherwise specified by the CEO, to remedy any insufficiency noted. Thereafter, the Board of Selectmen shall take any steps necessary to enforce the guarantee and remedy the insufficiencies.

E. BOARD OF APPEALS ADMINISTRATION FEES

APPLICATION FOR ADMINISTRATIVE APPEALS AND VARIANCES: All applications for Administrative Appeals and the approval of Variances by the Board of Appeals, under this Ordinance shall be accompanied by a non-refundable fee as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. The fee shall reflect the reasonable cost of processing the appeal (see Fee Schedule).

SECTION 10: ENFORCEMENT

A. ENFORCEMENT PROCEDURE

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision is being violated, the Code Enforcement Officer shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record. Any such notice is not a prerequisite to bringing any legal action noted in sub-paragraph (B), below, and the failure to give notice shall not in any way affect such legal action.
2. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
3. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, violations investigated, violations found, and fees collected.

B. LEGAL ACTION

The Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions, and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into consent agreements for the purpose of eliminating violations of this Ordinance and recording fines without Court action. Such agreements should not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith.

C. CIVIL PENALTIES, FEES & COSTS

As provided in 30-A M.R.S.A. Section 4452, as amended, any person found to have violated any provision of this Ordinance, including, but not limited to, a landowner, the landowner's contractor or agent, or the occupant of premises, shall pay to the town a civil penalty of not less than \$100 nor more than \$2,500, for each offense. Each day that a violation occurs may be deemed to constitute a separate offense. Provided, nevertheless, that if the violation has resulted in an economic benefit, the maximum penalty may be increased to an amount equal to twice the amount of the economic benefit. In addition, any such person found to have violated this Ordinance shall reimburse the town for its reasonable attorney fees, expert witness fees, and costs.

D. NUISANCE; INJUNCTIVE RELIEF

Each violation of this Ordinance shall be deemed to constitute a nuisance and subject to 30-A M.R.S.A, Sec. 4452. The violator(s) may be ordered to correct or abate the violation(s). When the violation is found to have been willful, the violator(s) shall be ordered to correct or abate the violation(s) unless that action will result in substantial environmental damage or injustice.

SECTION 11: ZONING BOARD OF APPEALS

A. ESTABLISHMENT AND ORGANIZATION OF BOARD OF APPEALS

There shall be a Board of Appeals of five (5) members and two (2) associate members appointed by the Municipal Officers as provided in 30-A M.R.S.A., Section 4353.

Members shall be selected according to the Ordinances of the Town for terms of not less than three (3) years.

The Board shall keep minutes of its proceedings, recording the vote of each member on all matters coming before that Board. The minutes of that Board and all correspondence shall be a public record. Three (3) members of that Board shall constitute a quorum for conducting a meeting and taking action, and the concurring vote of at least three (3) members is necessary to grant any variance request or reverse any action of the Code Enforcement Officer. The Board is governed by the procedures set forth in 30-A M.R.S.A., Section 2691 and in this Ordinance. In addition, the Board may adopt any procedural rules not in conflict with that Title or this Ordinance, which it deems necessary or proper for the conduct of its business.

B. POWERS AND DUTIES

1. **ADMINISTRATIVE APPEALS:** To hear and decide appeals where it is alleged that there is an error in any order, requirements, decision, or determination made by, or failure to act by, the Code Enforcement Officer in the administration of this Ordinance. When the Board of Appeals reviews a decision of the Code Enforcement Officer it shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision. When errors of administrative procedures or interpretation are found, the case shall be remanded back to the Code Enforcement Officer for correction.
2. **VARIANCE APPEALS:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.
 - a. Dimensional variances may be granted only from dimensional requirements including: frontage (including shore frontage, subject to the provisions of Subsection 11:B.2.e), lot area, lot width, height, percent of lot coverage, and setback requirements.
 - b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
 - c. The Board shall not grant a variance unless it finds that the strict application of the terms of this Ordinance would result in undue hardship.

The term “undue hardship” as used in this Subsection 11:B.2.c. shall mean all of the following:

- 1) The land in question can not yield a reasonable return unless a variance is granted;
 - 2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - 3) That the granting of a variance will not alter the essential character of the locality; and
 - 4) That the hardship is not the result of action taken by the applicant or the prior owner.
- d. The Board may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board shall restrict any variance granted under this Sub-Section solely to the installation of equipment or the

SECTION 11: ZONING BOARD OF APPEALS

B. POWERS AND DUTIES (continued)

construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- e. A variance may be granted in cases of undue hardship to the petitioner or the petitioner’s property for the set-back requirements for single-family dwellings that are the primary year-round residence of the petitioner. The term “undue hardship” as used in this Subsection 11:B.2.e. means all of the following:
 - 1) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - 2) The granting of a variance will not alter the essential character of the locality;
 - 3) The hardship is not the result of action taken by the applicant or a prior owner;
 - 4) The granting of a variance will not substantially reduce or impair the use of abutting property; and
 - 5) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

A variance under this subsection may not exceed 20% of a set-back requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. Setbacks may exceed this 20% limit, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to 38, Chapter 3, subchapter I, article 2-B, if the petitioner has obtained the written consent of an affected abutting landowner.

- f. The Board shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- g. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision, where such variances apply to structures or land within the Shoreland Area.
- h. A copy of all variances granted by the Board of Appeals shall be recorded in the Hancock County Registry of Deeds, within ninety (90) days of the date of their being granted, and a photocopy of such returned to the Board of Appeals.

- 3. CODE ENFORCEMENT OFFICER ENFORCEMENT DECISIONS: Decisions by the Code Enforcement Officer related to enforcement shall not be appealable to the Board of Appeals.

C. APPEAL PROCEDURE

- 1. TIME LIMIT: An administrative or variance appeal may be taken to the Board by an aggrieved party from any decision other than an enforcement decision of the Code Enforcement Officer. Such appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

SECTION 11: ZONING BOARD OF APPEALS

C. APPEAL PROCEDURE (continued)

2. **WRITTEN NOTICE:** Applications for appeals shall be made by filing with the Board a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted; and
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief requested.
3. **RECORD OF CASE:** Upon receiving an application for an administrative appeal or variance, the Code Enforcement Officer shall transmit to the Board all of the papers constituting the record of the decision or action being appealed.

If affecting shoreland provisions, a copy of all variance requests shall be forwarded to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. This includes a copy of the application and all other supporting information provided by the applicant. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

4. **PUBLIC HEARING:** The Board shall hold a public hearing on the appeal or variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

5. DECISION BY BOARD

- a. **QUORUM:** A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
 - b. **BURDEN OF PROOF:** The person filing the appeal shall have the burden of proof.
 - c. **ACTION ON APPEAL:** Following the public hearing on an appeal, the Board may reverse the decision, or failure to act, of the Code Enforcement Officer only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
 - d. **TIME FRAME:** The Board shall decide all administrative and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision within seven (7) days of the Board's decision.
 - e. Board decisions shall only be made by voting at a public meeting. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the Municipal Officers.
6. **RECONSIDERATION:** In accordance with 30-A M.R.S.A. Section 2691(3)(F), the Board of Appeals on its own motion, any member of the Board, the Code Enforcement Officer, or any aggrieved party may request the reconsideration of any decision reached by the Board, within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed

SECTION 11: ZONING BOARD OF APPEALS

C. APPEAL PROCEDURE (continued)

within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, Code Enforcement Officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

- D. APPEAL TO SUPERIOR COURT:** An appeal may be taken by any aggrieved party to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board. Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

SECTION 12: DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

1. In this Ordinance, certain terms or words should be interpreted as follows:
 - a. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
 - b. The present tense includes the future tense, the singular number includes the plural and plural includes the singular;
 - c. The word “shall” is mandatory;
 - d. The word “may” is permissive;
 - e. The words “used” or “occupied” includes the words “intended”, “designed”, or “arranged to be used or occupied”; and
 - f. The word “dwelling” includes the word “residence”.

In the case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the map shall control.

2. Terms not defined shall have the customary dictionary meaning.

B. DEFINITIONS OF WORDS

For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

ABUTTING: Having a common border with.

ACCESS: A means of approach or entry to or exit from property.

ACCESS DRIVE: A private roadway primarily intended to transport vehicles from a public or private way to a point within private property.

ACCESSORY STRUCTURE OR USE: A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

The raising of animals or produce for personal domestic use or incidental sales in every Zone is considered an accessory use, provided that any buildings housing animals shall be located not closer than seventy-five feet (75') of any lot line.

AGGRIEVED PARTY: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

AGRICULTURE: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

ALTERATION: As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

AMATEUR (Ham) RADIO STATIONS: Radio telecommunications services and facilities licensed by the FCC as such.

ANTENNA: Any system of poles, panels, rods, reflecting discs or similar devices used for transmission or reception of radio or electromagnetic frequency signals.

APPEAL: A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of this Ordinance.

AQUACULTURE: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

ATTIC: That part of a building which is immediately below, and wholly or partly within, the roof framing.

AUTOMOBILE RECYCLING BUSINESS: The business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations.

AUTOMOBILE SALES LOT: A lot arranged, designed, or used for the storage and display for passenger automobiles and trucks up to three quarter (3/4) ton in size, and where no repair work is done except minor incidental repair of automobiles displayed and sold on the premises.

AUTOMOBILE SERVICE STATION (Filling Station): Any premises used for supplying gasoline and oil at retail, direct to the customer, including the sale of minor accessories and minor services for automobiles.

AUTO REPAIR GARAGE: A place of business where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, over-all painting and undercoating of automobiles.

BASEMENT: The substructure of a building that is partially or wholly below ground level which may or may not be used for living space.

BASAL AREA: The area of cross-section of a tree stem at 4 1/5 feet above the ground level and inclusive of bark.

BOAT LAUNCHING FACILITY: A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

BUFFERS: Units of land, together with a specified type and amount of vegetative planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING:

a. Building: Any structure, maintained, or intended for use as shelter or enclosure of persons, animals, goods or property of any kind. Where independent units with separate entrances are divided by walls, each unit is a building.

b. Building, Accessory: A building which (1) is subordinate in area, extent and purpose to the principal building or use served, (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

c. Building, Principal: A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

BUILDING FRONT LINE: A line parallel to the front lot line transacting that point in the building face which is closest to the front lot line. This face includes porches whether enclosed or unenclosed but does not include steps.

BUREAU: State of Maine Department of Conservation's Bureau of Forestry.

CAMPGROUND: (See Transient Accommodations VI Definition).

CANOPY: The more or less continuous cover formed by tree crowns in a wooded area.

CHURCH: A building, together with its accessory buildings and uses, where people regularly assemble for religious worship and which buildings, together with its accessory buildings, and uses, is maintained and controlled by a religious body organized to sustain public worship.

CLINIC: An establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or dentist or by a group of physicians or dentists.

CLUSTER DEVELOPMENT: The development, according to an approved plan, of a large tract of land where three (3) or more buildings are constructed on lots smaller than normally required in the zone where located, provided the overall density of the development of the tract does not exceed the density or requirements of the zone; and land not built upon is permanently preserved as common "open space." The term also refers to a Planned Unit Development.

COASTAL WETLAND: All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

NOTE: All areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

CODE ENFORCEMENT OFFICER: A person appointed by the municipal officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector and the like where applicable.

COMMERCIAL COMPLEX (Shopping Mall): Commercial premises owned or managed as a single entity, which accommodates more than one retail or service business, including professional offices, and which contains more than twelve thousand (12,000) square feet of gross floor area, including department stores and grocery stores with more than twelve thousand (12,000) square feet of gross floor area.

COMMERCIAL USE: The use of lands, buildings, or structures, other than a “home occupation,” defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

COMMERCIAL INDOOR RECREATION USE: Includes, but is not necessarily limited to, the following commercial uses: arcades, bowling alleys, indoor sports arenas, tennis courts, race tracks, indoor animal exhibits, etc.

COMMERCIAL OUTDOOR RECREATION USE: Includes, but is not necessarily limited to, the following commercial uses: golf courses, tennis courts, amusement and theme parks, water slides, zoos and animal parks, race tracks, speedways, motorcycle tracks, riding stables, etc.

COMMUNITY LIVING ARRANGEMENT: A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility.

CONDOMINIUM: As defined in the "Maine Condominium Act of 1983," the term means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, duly recorded pursuant to this Act. A condominium is a legal form of ownership, not a land development type. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONDOMINIUM CONVERSION: A building that at any time before creation of the condominium was occupied wholly or partially by one or more persons other than purchasers and persons who occupy with the consent of purchasers.

CONGREGATE HOUSING: A private, licensed establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age or physical condition do not desire to, but are financially capable of providing such care for themselves, and who are not in need of medical or nursing treatment except in the case of temporary illness.

CONSERVATION EASEMENT: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

CONSTRUCTION: Build, erect, alter, reconstruct, move upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

CROSS-SECTIONAL AREA: The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

D.B.H. (Diameter Breast Height): The diameter of a standing tree measured 4.5 feet from ground level.

DAY CARE FACILITY: As defined in 22 M.R.S.A., Section 1673, §8301-A:

- a. Child care center:
 - 1) A house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day, providing care and protection for 13 or more children under 13 years of age; or
 - 2) Any location or locations operated as a single child care program or by a person or persons when there are more than 12 children being cared for.
- b. Family child care provider means a person who provides day care in that person's home on a regular basis, for consideration, for 3 to 12 children under 13 years of age who are not the children of the provider or who are not residing in the provider's home. If a provider is caring for children living in that provider's home and is caring for no more than 2 other children, the provider is not required to be certified as a family child care provider.
- c. Small child care facility means a house or other place, not the residence of the operator, in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for 3 to 12 children under 13 years of age.

DECK: An accessory attachment to a principal structure. It shall be constructed primarily of wood and shall not be enclosed. It shall not have a roof, canopy or awning, nor shall it have framed or screened walls. It shall be supported above the ground on posts or beams and shall not have a foundation. It may contain railings with screening and gates to enclose pets or children. (The area shall be considered part of the footprint.)

DEDICATION: The transfer of property interests from private to public ownership for a public purpose. The transfer may be fee-simple interest or of a less-than-fee-simple interest, including an easement.

DEVELOPED AREA, SHORELAND ZONES: Means one existing principal structure per 500 feet over a length of shoreline of 1,000 feet. The principal structure must be located within the 250 foot Shoreland Zone.

DEVELOPER: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase, tenants, contractor, development corporation, or entity.

DEVELOPMENT: A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

DIMENSIONAL REQUIREMENTS: Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

DISABILITY: Any disability, infirmity, malfunction, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services. Disability has the same meaning as the term “handicap” in the federal Fair Housing Act, 42 United States Code, Section 3602.

DISRUPTION OF SHORELINE INTEGRITY: The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

DRAINAGE: The removal of surface or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation and prevention or alleviation of flooding.

DRIVEWAY: A vehicular access-way fewer than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

DROUGHT: A period of abnormally dry weather that is sufficiently prolonged to cause serious hydrologic imbalance in the affected area. It is possible to index the severity of a drought by an impact grading system.

DWELLING:

- a. Dwelling: A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings.
- b. Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.
- c. Dwelling, Single-Family Detached: A dwelling designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit.
- d. Dwelling, Two-Family: A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other.
- e. Dwelling, Multi-Family: A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses and row houses.

EASEMENT: Authorization by a property owner of the use by another, and for a specified purpose, of any designated part of the property.

EMERGENCY OPERATIONS: Emergency operations shall include operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

ENLARGEMENT OR TO ENLARGE: An “enlargement” is an addition to the floor area or the volume of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To “enlarge” is to make an enlargement.

ESSENTIAL SERVICES: Gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

EXPANSION OF A STRUCTURE: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches, and greenhouses.

EXPANSION OF USE: The addition of months to a use's operating season or the use of more floor area or ground area devoted to a particular use.

FAA: The Federal Aviation Administration, or its lawful successor.

FAMILY: One or more persons occupying a premise and living as a single housekeeping unit.

FCC: The Federal Communications Commission, or its lawful successor.

FLOODPLAIN: Floodplains may be either riverine or inland depressional areas. Riverine floodplains are those areas contiguous to a lake, river, stream, or stream bed whose elevation is greater than the normal waterpool elevation but equal to or lower than the projected one hundred (100) year flood elevation. Inland depressional floodplains, not associated with a stream system, are low points to which surrounding lands drain.

FLOODWAY; The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

FLOOR AREA: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

FLOWING WATER: A surface water within a stream channel that has a perceptible flow and is substantially permanent in nature. Such waters are commonly referred to as rivers, streams, and brooks and can be further defined as:

- a. Major Flowing Waters: A flowing water downstream from the point where such water drains fifty (50) square miles or more; or
- b. Minor Flowing Waters: A flowing water upstream from the point where such water drains less than fifty (50) square miles.

FOOD PROCESSING FACILITY: A place housing any operation which changes the chemical composition or physical properties of food materials for human consumption. An example would be a creamery where dairy products such as butter, cheese and ice cream are made. The term does not include slaughterhouses nor does it include restaurants where food is prepared and sold at retail.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

FOREST MANAGEMENT ACTIVITIES: Timber cruising and other forest resources evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

FOREST STAND: A contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

FORESTED WETLANDS: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

FOUNDATION: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

FRESHWATER WETLAND: Freshwater swamps, marshes, bogs, and similar areas, other than forested wetlands, which are:

- a. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook such that in a natural state, the combined surface area is in excess of 10 acres; and
- b. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

FRONTAGE, ROAD: The continuous linear distance, measured along the lot line which separates the lot from a public or private way.

FRONTAGE, SHORE: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high water elevation. Shore frontage may be measured in running linear feet instead of the method herein proposed provided that such measurement is made by a licensed professional surveyor and is submitted to the board under the seal of such surveyor at the expense of the applicant.

FUNCTIONALLY WATER-DEPENDENT USES: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses primarily provide general public access to coastal or inland waters.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

GARAGE, COMMERCIAL: A structure used for parking or storage of motor vehicles, generally available to the public and involving payment of a charge for such parking or storage. A garage used solely in conjunction with a multiple-family dwelling or hotel shall not be construed to be a commercial garage, but rather a permitted accessory structure and use, even though not on the same premises as the multiple-family dwelling or hotel.

GARAGE, RESIDENTIAL: An accessory building for parking or temporary storage of motor vehicles belonging to residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings.

GOVERNMENT FACILITIES AND GROUNDS: Any facility, including but not limited to, buildings, structures, property, recreation areas, excluding roads, which are owned, wholly occupied or operated by the United States, State of Maine, or any political subdivision or agency of the United States or State of Maine.

GRADE: In relation to buildings, the average of the finished ground level at the center of each wall of a building.

GREAT POND: Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

GREENHOUSE, COMMERCIAL: An enclosed building, permanent or portable, which is used for the growth, sale of plants at wholesale or retail prices, or for business use.

GREENHOUSE, NON-COMMERCIAL: An accessory building to a residence designed or used for the growth of plants for personal use or incidental sales.

GROUND COVER: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

GROCERY STORE: A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket, which is defined as a "Major Retail Outlet".

GROUND WATER IMPACT ANALYSIS: See Section 5: Land Use Standards (General), 31. Uses Prohibited On Or Adjacent to Aquifers, for details.

GUEST ROOM: A room in a hotel, motel, tourist home or "bed and breakfast" residence offered to the public for compensation in which room no provision is made for cooking.

HARVEST AREA: The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

HEIGHT OF A STRUCTURE: The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

HISTORIC or ARCHAEOLOGICAL RESOURCE: Any site, building, structure or object, significant in American history, architecture, archaeology, engineering or culture, that are listed in the National Registrar of Historic Places (see 16 U.S.C.470w(5); 36 CFR 60 and 800).

HOME OCCUPATION: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home. (Also see Section 5: Land Use Standards, B. General, 11. Home Occupations for more detailed information.)

HOSPITAL: An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

IMPERVIOUS SURFACE: Surfaces which do not absorb water, specifically all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt. In the case of lumber yards, areas of stored lumber constitute impervious surfaces.

INCREASE IN NONCONFORMITY OF A STRUCTURE: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from the water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

INDIVIDUAL PRIVATE CAMPSITE: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platforms.

INDUSTRIAL: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

INDUSTRY: Use of a premises for assembling, fabricating, finishing, manufacturing, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

INSTITUTIONAL: A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

JUNKYARD/ AUTOMOBILE GRAVEYARD:

- a. Automobile Graveyard: A yard, field or other outdoor area used to store three (3) or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.
- b. Junkyard: A yard, field or other outside area used to store, dismantle or otherwise handle: discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture, discarded scrap and junked lumber, and old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel and other ferrous or nonferrous material.

KENNEL, COMMERCIAL: Any place in or at which any number of dogs or cats are kept for the purpose of sale or in connection with boarding, care, training, or breeding, for which a fee is charged.

KENNEL, NON-COMMERCIAL: An accessory building to a residence designed or used for the accommodation of dogs or cats owned by the occupant of the residence.

LAKES AND PONDS: Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams or may result from excavation. State regulations apply to any body of water which has a surface area in excess of ten (10) acres except a man-made body of water completely surrounded by land held by a single owner.

LAND MANAGEMENT ROAD: A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

LARGE-SCALE WATER EXTRACTION ACTIVITIES: Extraction of 5,000 or more gallons of water from a single or multiple extraction points located within the Town of Hancock within any twenty-four-hour period by any individual, business association or entity, consortium or association of related individuals or related business entities for transport out of the Town of Hancock.

LEVEL OF SERVICE: A qualitative measure that incorporates the collective factors of speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience, and operating costs provided by a highway facility under a particular volume condition, as established by the Institute of Transportation Engineer's Transportation and Traffic Engineering Handbook, 2nd edition (or updates).

LICENSED CARRIER: A company authorized by the FCC to construct and operate a commercial mobile radio services system.

LICENSED FORESTER: A forester licensed under 32 M.R.S.A. Chapter 76.

LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LOT: A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use, or development, including such open spaces and yards as are designed, and arranged or required by this Ordinance for such building, use, or development.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

LOT AREA: The area of land enclosed within the boundary lines of a lot, minus land considered not suitable for development under Sections 5.B.13. and 5.C.9. of this Ordinance.

LOT, CORNER: A lot abutting two or more streets at their intersection.

LOT COVERAGE: The maximum combined ground floor area of all principal and accessory buildings on a lot, divided by the area of such lot, the result expressed as a percentile. In the Shoreland Area lot coverage also includes all unvegetated areas.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines, measured within the lot boundaries.

LOT LINE: A line bounding a lot which divides one lot from another, or from a street or any other public or private space, as defined below:

- a. **Front Lot Line:** In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the line parallel to the front of the building.
- b. **Rear Lot Line:** That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.
- c. **Side Lot Line:** Any lot line other than a front or rear lot line.

MANUFACTURED HOUSING: A structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. For purposes of this Ordinance, two (2) types of manufactured housing will be referred to:

- a. **MOBILE HOMES:** Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et.seq., which in the traveling mode, are 14 body feet or more in width and are 750 or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation; and
- b. **MODULAR HOMES:** Those units which the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

MARINA: A business establishment having frontage on navigable water within the town and, as its principal use, providing for hire off-shore mooring or docking facilities for boats and accessory services and facilities such as: boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

MARKET VALUE: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

MINERAL EXPLORATION: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

MEAN ORIGINAL GRADE: The grade calculated by averaging the highest and lowest original grade.

MINERAL EXTRACTION: Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed away from the extraction site.

MINIMUM LOT WIDTH: The closest distance between the side lot lines of a lot. When only two lot lines extend into the Shoreland Zone, both lot lines shall be considered to be side lot lines.

MOBILE HOME PARK: A parcel of land under unified ownership approved by the Town of Hancock for the placement of three (3) or more manufactured homes.

MOTOR VEHICLE: Every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons.

MOTOR VEHICLE, UNSERVICEABLE: Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any Maine public highway, or which is not being used for the purpose for which it was manufactured.

MULTI-UNIT RESIDENTIAL: A residential structure containing three (3) or more residential dwelling units.

NATIVE: Indigenous to the local forests.

NON-CONFORMING CONDITION: A non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

NON-CONFORMING LOT: A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

NON-CONFORMING STRUCTURE: A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

NON-CONFORMING USE: Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

NORMAL HIGH-WATER LINE (non-tidal waters): That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.”

NORMAL MAINTENANCE AND REPAIR: Any work necessary to maintain an improvement or structure in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in uses, change in location, change in size or capacity.

NUISANCE: Each violation of this ordinance shall be deemed to constitute a nuisance and subject to 30-A M.R.S.A., Sec 4452.

NURSERY, COMMERCIAL: An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements directly related to their care and maintenance). The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

NURSING HOME: A facility for the care of the aged or infirmed person, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

OPEN SPACE USE: A use which does not disturb the existing state of the land except to restore this land to a natural condition.

OWNER: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

PARKING LOT: An open area other than a street used for the parking of more than four motor vehicles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE: A surfaced area, not less than nine (9) feet wide and eighteen (18) feet long, enclosed or unenclosed, sufficient in size to store one motor vehicle and permit ingress and egress of that motor vehicle without the necessity of moving any other automobile.

PERSON: An individual, corporation, governmental agency, municipality, trust, estate, partnership association, two or more individuals having a joint or common interest, or other legal entity.

PIERS, DOCKS, WHARFS, BRIDGES, AND OTHER STRUCTURES AND USES EXTENDING OVER OR BELOW THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND:

- a. Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
- b. Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

PLANNED UNIT DEVELOPMENT: See CLUSTER DEVELOPMENT.

PORCH: An accessory attachment to a principal structure. It shall be constructed primarily of wood and have a roof, canopy, or awning and may have framed or screened walls. It shall be supported above the ground on post, beams, or by a foundation. It may contain railings with screening and gates to enclose pets or children.

PRINCIPAL STRUCTURE: A building which is used for purposes that are essential (such as a residence) and not incidental to another building or use on the same premises.

PRINCIPAL OR YEAR-ROUND DWELLING UNIT: A dwelling which existed on December 31, 1981, and which was used as a principal or year-round residence during the period from 1977 to 1981. Evidence of use as a principal or year-round residence includes, but is not limited to: the listing of that dwelling as an occupant's legal residence for the purpose of voting, filing a state tax return, or automobile registration, or the occupancy of that dwelling for a period exceeding 7 months in any calendar year.

PRINCIPAL USE: A use which is the primary function and is not accessory to another use on the same premises.

PROFESSIONAL OFFICE BUILDING: A building in which there is located the office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., or in which a business conducts its administrative, financial or clerical operations, but not including any other manufacturing, commercial, or industrial activity.

PUBLIC FACILITY: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

PUBLIC UTILITY: Any person, firm, corporation, municipal department, board or commission authorized by the Maine Public Utilities Commission to furnish gas, steam, electricity, communication facilities, or transportation of water to the public.

RECENT FLOOD PLAIN SOILS: The following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles	Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa	Podunk	Rumney	Saco
Suncook	Sunday	Winooski			

RECONSTRUCTION: The restoration, remodeling or rebuilding of a structure, whether necessitated by deterioration, obsolescence, casualty or other occurrence, where the costs of such work equal or exceed the value of the property in its existing condition.

RECREATIONAL FACILITY: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreation activities, excluding boat launching facilities.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

RECREATIONAL VEHICLE: A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, must be stationed only in an authorized campground or trailer park or as an accessory use on the premises of a consenting private property owner for use only by members of the property owner's family or social guests, and must be registered with the State Bureau of Motor Vehicles.

REPLACEMENT SYSTEM: A sewage disposal system intended to replace:

- a. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure; or
- b. any existing overboard wastewater discharge.

RESEARCH FACILITY: A building or part of a building devoted to scientific inquiry and ancillary functions. No manufacturing is conducted on the premises except as related to the scientific research being conducted.

RESIDENTIAL DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

RESIDUAL BASAL AREA: The average of the basal area of trees remaining on a harvested site.

RESIDUAL STAND: A stand of trees remaining in the forest following timber harvesting and related activities.

RESTAURANT: An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state, and whose principal method of operation includes one or more of the following characteristics:

- a. Customers normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed;
- b. A cafeteria type operation where food and beverages generally are consumed within the restaurant building;
- c. A carry-out or delivery service, drive-in service, and service or consumption outside fully-enclosed structure; or
- d. Fast-food restaurant that provides drive-through service.

RETAIL ESTABLISHMENT: Any business, housed in a permanent structure, engaged primarily in the sale of goods and services to the ultimate consumer for direct consumption and/or use, but not for resale.

RIGHT-OF-WAY: A street or other area over which is given legal right of passage.

RIPRAP: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

RIVER: A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

NOTE: The portion of a river that is subject to tidal action is a coastal wetland.

ROAD: A thoroughfare or way consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding driveways as defined.

- a. **Private Road:** A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.
- b. **Public Road:** A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

ROADSIDE STAND: A roadside stand selling at retail on the premises only farm produce, camp firewood, or garden, greenhouse or nursery products, and between Labor Day and Christmas, cut Christmas trees, garlands, wreaths, and wreath materials primarily produced on the property.

SALT MARSH: Areas of a coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

SALT MEADOW: Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

SCHOOL, MUNICIPAL: A publicly owned facility within which educational classes for any grades, kindergarten through twelve, are conducted pursuant to a program approved by the State Board of Education or similar governmental agency.

SCHOOL, PRIVATE: A privately-owned facility within which instruction is provided for a fee.

SEASONAL CONVERSION PERMIT: Written authorization issued by the plumbing inspector to allow the conversion of a seasonal dwelling unit to year-round use.

SEASONAL CONVERSION: The conversion of a seasonal dwelling unit to year-round use.

SEASONAL DWELLING UNIT: A dwelling which existed on December 31, 1981, and which was not used as a principal or year-round residence during the period from 1977 to 1981.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

SERVICE DROP: Any utility line extension which does not cross or run beneath any portion of a water body provided that:

- a. in the case of electric service
 1. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service, or upon a roadway right-of-way; and
 2. the total length of the extension is less than one thousand (1,000) feet.
- b. in the case of telephone or cable service
 1. the extension, regardless of length, will be made by the installation of telephone wires or cable wires to existing utility poles; or
 2. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

SETBACK: The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, or road right-of-way to the nearest part of a structure, road, parking space, or other regulated object or area.

- a. **SETBACK, FRONT:** The setback between the front lot line and the nearest part of a structure or other regulated object or area.
- b. **SETBACK, REAR:** The setback between the rear lot line and the nearest part of a structure or other regulated object or area.
- c. **SETBACK, SIDE:** The setback between the side lot line and the nearest part of a structure or other regulated object or area. No part of any driveway shall be located within ten (10) feet of a side property line. However, the appropriate authority may permit a driveway serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line between the adjacent sites.
- d. **SETBACK, SHORELINE:** The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland and the nearest part of a structure or other regulated object or area.

SHORE FRONTAGE: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

SHORELAND ZONE: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

SHORELINE: The normal high-water line, or upland edge of a freshwater or coastal wetland.

SITE SEARCH RING ANALYSIS REPORT: The standard industry report of an analysis of the potential sites within an identified circular broadcast area of service.

SKID ROAD OR SKID TRAIL: A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

SLASH: The residue, e.g., treetops and branches, left on the ground after a timber harvest.

SMALL WIND ENERGY SYSTEM (SWES): A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 10kW and which will be used primarily to produce electrical power.

SMALL WIND ENERGY SYSTEM HEIGHT: The height above grade to the tip of the turbine blade when it reaches its highest elevation. The SWES height shall not exceed sixty (60) feet above ground level.

SMALL WIND ENERGY SYSTEM TOWER: The structure on which the small wind energy system is mounted.

SMALL WIND ENERGY SYSTEM TOWER HEIGHT: The height above grade of the fixed portion of a tower, excluding the wind turbine.

SMALL WIND ENERGY SYSTEM TURBINE: The parts of the small wind energy system including blades, generator and tail.

STREAM: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river, or flows to another waterbody or wetland within the Shoreland Area.

STREET: Any public way.

STRUCTURE: Anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located such as decks, patios, and satellite dishes, but does not include mobile or modular homes held for inventory and displayed for sale in the ordinary course of a mobile home dealer's business in a location established prior to the approval of the 1994 ECO. Structures such as a dog house, children's playhouse, toolshed, or similar small buildings having not more than one hundred (100) square feet do not require a permit for construction, provided that such structures shall meet all other requirements of this ordinance. See additional reference in Section 5: Land Use Standards (Shoreland) C.12.a.3. Small Wind Energy System (SWES) height shall not exceed sixty (60) feet.

SUBDIVISION: The division of a tract or parcel of land into three (3) or more lots within a five (5) year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in State Statutes, 30-A M.R.S.A., Section 4401, as amended.

SUBSTANTIAL COMPLETION/SUBSTANTIALLY COMPLETED: Completion of eighty-five percent (85%) of a permitted structure or use measured as a percentage of estimated total cost.

SUBSTANTIAL START: Completion of thirty percent (30%) of a permitted structure or use measured as a percentage of estimated total cost.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

SUBSURFACE WASTEWATER DISPOSAL SYSTEM: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; including, but not limited to: septic tanks; disposal fields; legally existing, nonconforming cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

An engineered subsurface waste disposal system is any subsurface wastewater disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of wastewater per day or more.

SUSTAINED SLOPE: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

TEMPORARY USE: A use established for a fixed period of time with the intent to discontinue such upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

TIDAL WATERS: All waters affected by tidal action during the maximum spring tide.

TIMBER HARVESTING: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 5:C.3., Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

TIMBER HARVESTING AND RELATED ACTIVITIES: Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

TOWN: The Town of Hancock, Maine.

TRANSIENT: A non-resident person residing within the Town less than thirty (30) days.

TRANSIENT ACCOMMODATIONS I: (Also referred to as “Bed and Breakfast”) Include building(s) where accommodations are provided for compensation as a business in the private year-round residence of the host family, consisting of a maximum of three guest rooms and 6 guests at any one time, not including children of the paying guests under twelve years of age. Breakfast is the only meal, if any, to be provided for compensation.

TRANSIENT ACCOMMODATIONS II: (Also referred to as small inns and boarding houses) Include building(s) where accommodations are provided for compensation, where a maximum of 10 guest rooms are provided at any one time and meals, if provided, are provided to guests only.

TRANSIENT ACCOMMODATIONS III: (Also referred to as motels, hotels, and inns) Include buildings where accommodations are provided for compensation, where a maximum of 25 guest rooms are provided at any one time and no meals are provided.

TRANSIENT ACCOMMODATIONS IV: (Also referred to as motels, hotels, and inns) Include buildings where accommodations are provided for compensation, where a maximum of 25 guest rooms are provided at any one time and meals are provided to guests only.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

TRANSIENT ACCOMMODATIONS V: (Also referred to as motels, hotels, and inns) Include buildings where accommodations are provided for compensation, where 25 or more guest rooms are provided at any one time and meals are provided for guests. Accessory uses such as restaurants, cocktail lounges, gift shops, conference rooms, and recreational facilities such as swimming pools and game rooms may be included on the premises. This type of accommodations and their accessory uses are subject to Site Plan Review.

TRANSIENT ACCOMMODATIONS VI: (Campgrounds) Any land area specifically designed and developed, containing two or more individual campsites which accommodate that segment of the traveling public seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses, subject to Site Plan Review, include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlet for camping supplies and equipment, recreational services, etc.

TRANSPORTATION FACILITIES: Structures and grounds used for transportation service activities, such as ticket booths, and waiting shelters for bus, taxi, or touring van.

TRIBUTARY STREAM: Means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the Shoreland Zone.

UNDERTAKING ESTABLISHMENT: A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

UPLAND EDGE OF A WETLAND: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

USE: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USEABLE FLOOR AREA: Any floor area directly under a ceiling height of not less than seven feet (7'), except for the purpose of calculating the floor area of a bedroom, the floor area to a knee-wall, a minimum of five feet (5') high, may be counted as useable floor area.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

VARIANCE: A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship.

VEGETATION: All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

VELOCITY ZONE: An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

VOLUME OF A STRUCTURE: The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

WAREHOUSING AND STORAGE FACILITY: A structure for the storage of merchandise or commodities, including bulk storage and bulk sales outlet.

WATER BODY: Any great pond, river or stream.

WATER CROSSING: Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include, but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

WATER EXTRACTION: The taking, or removal of water from groundwater or surface water sources, including aquifers, springs, wells, lakes, ponds and streams, or the like, by the same individual or entity, or consortium or association of individuals or entities, regardless of the number of extraction facilities utilized.

WATER-RELATED STRUCTURE: Includes piers, docks, wharves, floats, cribs, pilings, boathouses, breakwaters, causeways and similar structures projecting into water bodies.

WETLAND: A freshwater or coastal wetland.

WHOLESALE BUSINESS ESTABLISHMENT: Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

WILDLIFE: All vertebrate species (animals with backbones), except fish.

WILDLIFE MANAGEMENT PRACTICES: Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation; controlled burning; planting; impounding water; controlled hunting and trapping; relocation of wildlife; predator and disease control; and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species.

WINDFIRM: The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

WIRELESS TELECOMMUNICATIONS: Includes any personal wireless service, radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services.

WIRELESS TELECOMMUNICATIONS FACILITY (WTF): Includes all structures, equipment and security devices necessary for the broadcast or reception of wireless telecommunications services.

WTF ABANDONMENT: A WTF that is not listed as having a license in the FCC Database or is out of operation for a continuous period of twelve (12) months or more.

WTF COLOCATION: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

WTF EQUIPMENT SHELTER: An enclosed structure, shed or box at or near the base of the mount within which equipment for wireless telecommunication facilities are housed.

WTF EXPANSION: The addition of antennas or other devices to an existing WTF or any enlargement to or construction of additional equipment shelters. Expansion that increases height requires Planning Board approval.

WTF FALL ZONE: The area on the ground from the base of a WTF that forms a circle with a radius equal to 150% of the height of the WTF tower, including any antennas or other appurtenances.

WTF PRIVATE MOBILE RADIO SERVICE: As defined in FCC Form 601 Regulatory Status, Item 41:

- a) Non-common carriers that do not hold themselves out indiscriminately for hire as carriers of communications provided by a customer.
- b) Private internal users are those entities that utilize telecommunications services purely for internal business purposes or public safety communications and not on a for hire or for profit basis.

WTF TOWER: A structure used primarily for the support of one or more antennas. The term includes radio and television towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

WTF TOWER HEIGHT: The vertical distance measured from the base of the antenna support structure at original grade to the highest point of the structure, even if said point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the mean original grade of the tower site. If the support structure is on a sloped grade, the average between the highest and lowest original grades shall be used in calculating the tower height.

WOODY VEGETATION: Live trees or woody, non-herbaceous shrubs.

SECTION 12: DEFINITIONS

B. DEFINITIONS OF WORDS (continued)

YARD: The area of land on a lot not occupied by buildings.

- a. **Front Yard:** The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building on the lot, and extending the entire width of the lot.
- b. **Rear Yard:** The open, unoccupied space on the same lot with the principal building between the rear lot line and the nearest part of any building on the lot, and extending the entire width of the lot.
- c. **Side Yard:** The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear line.

ZONE: A specified portion of the Town, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof, apply under the provisions of this Ordinance.

APPENDIX A: SCREENING

1. CLASSIFICATION OF SCREENS

Screening shall be classified as follows:

a) SCREENING WITH AN OPAQUE SCREEN

A visual screen that is opaque, from the ground to a height of at least six feet (6') with semi-opaque visual barrier from above the opaque barrier to a height of at least twenty feet (20'). The purpose of this screen is to exclude all visual contact between uses and create a strong impression of spatial separation. Such screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or appropriate combinations thereof.

b) SCREENING WITH A SEMI-OPAQUE SCREEN

A visual screen that is opaque, from the ground to a height of three feet (3') with semi-opaque visual barrier from above the opaque barrier to a height of at least twenty feet (20'). The purpose of this screen is to partially block visual contact between uses and to create a strong separation of spaces. Such screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or appropriate combinations thereof.

c) SCREENING WITH A BROKEN SCREEN

An intermittent visual screen from above the ground to a height of at least twenty feet (20'). The purpose of this screen is to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. Such screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, existing vegetation, or appropriate combinations thereof.

2. SUGGESTED SCREENING COMBINATIONS

The following suggested screening combinations are considered a minimum to achieve the above screen classifications:

a) SCREENING WITH AN OPAQUE SCREEN

Small trees planted twenty feet (20') on center in combination with a six foot (6') high evergreen hedge planted four feet (4') on center;

Large trees planted thirty-five feet (35') on center in combination with a six foot (6') high wooden fence; or

Tall evergreen trees, stagger planted, with branches touching the ground.

b) SCREENING WITH A SEMI-OPAQUE SCREEN

Small trees planted twenty feet (20') on center in combination with a three foot (3') high stone wall or wood fence;

Small trees planted twenty feet (20') on center on top of a three foot (3') high seeded earth berm; or

Large trees planted thirty-five feet (35') on center in combination with a three foot (3') high evergreen hedge planted three feet (3') on center.

c) SCREENING WITH A BROKEN SCREEN

Small trees planted twenty feet (20') on center;

Small trees planted thirty feet (30') on center in combination with a split rail fence; or

Large trees planted thirty-five feet (35') on center in combination with assorted shrubbery.

APPENDIX A: SCREENING

3. SCREENING REQUIRED

The screening required for various areas and purposes are as follows:

- a) In any buffer strip established between lots located in any of the Industrial, Commercial, Mixed Development or Rural/Commercial Zones which abuts any residential zone: Semi-Opaque Screening;
- b) In any buffer strip established for the purpose of preventing driver confusion between on-site roads running parallel to an off-site road: Semi-Opaque Screening;
- c) In any buffer strip established for the purpose of protecting or enhancing the scenic character along Routes 1 and 182: Broken Screening;
- d) In any buffer strip established for the purpose of shielding incompatible uses from one another: Opaque or Semi-Opaque Screening;
- e) In any buffer strip established for the purpose of blocking prevailing winds to stop wind-borne debris from leaving the site: Opaque or Semi-Opaque Screening;
- f) In any buffer strip established for the purpose of preventing any proposed lighting from interfering with residential properties or with safe driving: Opaque or Semi-Opaque Screening;
- g) In any buffer strip established for the purpose of deterring small children from entering areas with potential safety hazards: Opaque Screening; and
- h) In any buffer strip established for the purpose of screening exposed storage and service areas, sand and gravel extracting operations, utility buildings and structures, automobile salvage and junk yards, parking areas, garbage collection areas, and loading and unloading areas, to minimize their visual impact on adjoining traveled ways and properties: Opaque Screening.

4. PLANT MATERIAL SPECIFICATIONS

Unless otherwise specifically indicated by the Planning Board, all plant material used for any screening required under this Ordinance shall meet the following minimum requirements:

- a) All planting shall be of a type and species appropriate for the soil types, site conditions, and climatic conditions of the Town;
- b) Plant material used for screening shall meet the following minimum size standards:

PLANT TYPE	SIZE
Canopy Tree-Single Stem	2.5 inch caliper
Understory Tree	1.5 inch caliper
Evergreen Tree	5-7 feet high
Deciduous Shrub	24 inches high
Evergreen Shrub	18 inches high

- c) Evergreen trees can be used as screening, provided they are planted properly. An evergreen screen requires two (2) or three (3) rows of staggered plantings. The rows should be five feet (5') apart and the evergreens planted four feet (4') on center.

APPENDIX A: SCREENING

5. MAINTENANCE OF BUFFERS AND SCREENING

Buffers and screening shall be located and maintained as follows:

- a) Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
- b) Fencing and screening shall be durable and properly maintained at all times by the owner.
- c) All buffer strips shall be maintained in a neat and sanitary condition by the owner.

APPENDIX B: FILTER STRIP WIDTHS

1. Required width of filter strips for mineral exploration activities.

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	50
10	90
20	130
Greater than 20	330

2. Required width of filter strips for mineral extraction activities.

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (percent)	Width of Strip Between Exposed Mineral Soil and a line parallel and one hundred feet (100) upland from the upland edge of a wetland stream, or normal high water mark of any river, lake or pond. (Feet Along Surface of the Ground)
0	50
10	90
20	130
Greater than 20	330

APPENDIX C: ROAD AND DRIVEWAY STANDARDS

1. **ROADS AND DRIVEWAYS:** The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts, and other related features in the shoreland zones.

- a. Roads and driveways shall be set back at least one hundred feet (100'), horizontal distance, from the normal high-water line of a great pond or a river that flows to a great pond, and seventy-five feet (75'), horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than 50 feet (50'), horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty percent (20%) the road and/or driveway setback shall be increased by ten feet (10'), horizontal distance, for each five percent (5%), or fraction thereof, increase in slope above twenty percent (20%).

Appendix C.1.a. does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Appendix C.1.a. except for that portion of the road or driveway necessary for direct access to the structure.

- b. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.
- c. New roads and driveways are prohibited in a Resource Protection Zone (RP) except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection Zone upon a finding that a clear necessity exists and there is a lack of a reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection Zone the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- d. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 5.C.5. of this section.
- e. Road and driveway grades shall be no greater than ten percent (10%) except for segments of less than two hundred feet (200').
- f. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty feet (50') plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- g. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

APPENDIX C: ROAD AND DRIVEWAY STANDARDS

- 1) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (percent)	Spacing (feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 ⁺	40

- 2) Drainage dips may be used in place of ditch relief culverts only where the grade is ten percent (10%) or less.
- 3) On sections having slopes greater than ten percent (10%), ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
- 4) Ditch relief culverts shall be sufficiently sized and be properly installed in order to allow for effective functioning with a minimum diameter of not less than fifteen inches (15"), and their inlet and outlet ends shall be stabilized with appropriate materials, as recommended by the Hancock County Soil and Water Conservation District.
- h. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

APPENDIX D: TIMBER HARVESTING

Timber Harvesting - Statewide Standards (Applies only to Shoreland and Resource Protection Zones - RP, SP, SR & SD. Contact Forest Service.

- (1) Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.
- (2) Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Appendix D. does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.
 - (a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.
 - (b) Adjacent to great ponds, rivers and wetlands:
 - (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and
 - (ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
- (3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:
 - (a) Option 1 (40% volume removal), as follows:
 - (i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;
 - (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
 - (iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a freshwater or coastal wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

APPENDIX D: TIMBER HARVESTING

- (b) Option 2 (60 square foot basal area retention), as follows:
 - (i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
 - (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
 - (iii) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.
- (c) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

- (4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.
 - (a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.
 - (b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.
 - (c) Setbacks:
 - (i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.
 - (ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of

APPENDIX D: TIMBER HARVESTING

sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- (5) Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Appendix D.(7) of this rule.
 - (a) Land management roads and associated ditches, excavation, and fill must be set back at least:
 - (i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or freshwater or coastal wetland;
 - (ii) 50 feet, horizontal distance, from the normal high-water line of streams; and
 - (iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams.
 - (b) The minimum 100 foot setback specified in Appendix D. (5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Appendix D. (5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
 - (c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
 - (d) New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. Section 437, nor in a Resource Protection Zone, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
 - (e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Appendix D. (7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

APPENDIX D: TIMBER HARVESTING

- (f) Road closeout and discontinuance. Maintenance of the water control installations required in Appendix D. (5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
 - (g) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Appendix D. Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.
 - (h) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Appendix D. (5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
 - (i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.
- (6) Crossings of waterbodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- (a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Appendix D. The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
 - (b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Appendix D. Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Appendix D.
 - (c) Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
 - (d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
 - (e) Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:

APPENDIX D: TIMBER HARVESTING

- (i) a map showing the location of all proposed permanent crossings;
 - (ii) the GPS location of all proposed permanent crossings;
 - (iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
 - (iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.
- (f) Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Appendix D. (6)(g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:
- (i) concentrated water runoff does not enter the stream or tributary stream;
 - (ii) sedimentation of surface waters is reasonably avoided;
 - (iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
 - (iv) fish passage is not impeded; and,
 - (v) water flow is not unreasonably impeded.

Subject to Appendix D. (6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

- (g) Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:
- (i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.
 - (ii) Temporary bridge and culvert sizes may be smaller than provided in Appendix D. (6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:
 - 1. use of temporary skidder bridges;
 - 2. removing culverts prior to the onset of frozen ground conditions;
 - 3. using water bars in conjunction with culverts;
 - 4. using road dips in conjunction with culverts.
 - (iii) Culverts utilized in river, stream and tributary stream crossings must:
 - 1. be installed at or below river, stream or tributary stream bed elevation;
 - 2. be seated on firm ground;
 - 3. have soil compacted at least halfway up the side of the culvert;
 - 4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
 - 5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.
 - (iv) River, stream and tributary stream crossings allowed under Appendix D. but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter

APPENDIX D: TIMBER HARVESTING

standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.

- (v) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.
 - (h) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
 - (i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Appendix D. (6)(i) below.
 - (ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
 - (iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
 - (i) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
 - (i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.
 - (ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.
 - (iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:
 1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
 2. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
 3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.
- If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

APPENDIX D: TIMBER HARVESTING

(7) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Appendix D., but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline(feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

APPENDIX E: FEE SCHEDULE

Environmental Control Ordinance

Fee Schedule

Building Permits	Minimum Fee	Fee	Comments
Residential	\$25.00	\$.15 per square foot	Includes full basement
Commercial/Industrial	\$50.00	\$.20 per square foot	Requires Planning Board approval
Accessory	\$20.00	\$.10 per square foot	
Home Occupation		\$25.00	
Bed & Breakfast		\$25.00	
Change of Use		\$25.00	
Roadside Stands		\$25.00	
Road Cut/Driveway		\$25.00	
Fabric Shelters	\$25.00	.10 per square foot	
Demolition Permit		\$25.00	
Vegetative Clearing		\$25.00	
SWES		\$50.00	
Shoreland		Permit fee + \$25.00	
Floodplain		Permit fee + \$25.00	
Starting without permit		Triple fee	
Signs		\$25.00	
Appeals Board		\$100.00	Plus cost of advertising/may require additional fee for expert assistance
Site Plan Review			
Minor		\$100	\$500 technical review fee may be required
Major		\$250	\$1,000 technical review fee may be required
WTF		\$1,500.00	\$500 technical review fee may be required
WTF Expansion		\$500.00	CEO Permit

Effective 2/10/11

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Revised
**FLOODPLAIN MANAGEMENT
ORDINANCE**

Hancock, Maine

Enacted May 10, 2016

Repealed Ordinance
Enacted May 8, 2006
Repealed May 10, 2016
Effective July 20, 2016

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I – PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Hancock, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Hancock, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Hancock, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Hancock has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Hancock having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Hancock, Maine.

The areas of special flood hazard, Zones A, AE, and VE for the Town of Hancock, Hancock County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Hancock County, Maine," dated July 20, 2016 with accompanying "Flood Insurance Rate Map" dated July 20, 2016 with panels: 759D, 767D, 769D, 780D, 783D, 786D, 787D, 788D, 789D, 791D, 792D, 793D, 794D, 811D, 813D, 814D, 982D, 984D, 1001D, 1002D, 1003D, and 1004D, derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Hancock County, Maine," are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Hancock, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.3. apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined:

a. in Zones AE and VE from data contained in the "Flood Insurance Study - Hancock County, Maine," as described in Article I; or,

b. in Zone A:

(1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.K. and IX.D.;

(2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,

(3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

- 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
- 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
- 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 - 2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;
 - 3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 4. a certified statement that bridges will meet the standards of Article VI.M.;
 - 5. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee as set by the Selectboard shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - Hancock County, Maine," as described in Article I;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
 - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:
 - 1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, H, or P. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 - 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated

but that meet the floodproofing standards of Article VI.G.1 a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.

B. Water Supply - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** – On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D.
 3. Zone VE shall meet the requirements of Article VI.P.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D., or

- a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

3. Zone VE shall meet the requirements of Article VI.P.

H. Manufactured Homes - New or substantially improved manufactured homes located within:

1. Zone AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article IX.D.; and
- b. meet the anchoring requirements of Article VI.H.1.c.

3. Zone VE shall meet the requirements of Article VI.P.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE, shall either:

- a. be on the site for fewer than 180 consecutive days,

- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

2. Zone VE shall meet the requirements of either Article VI.I.1.a. and b., or Article VI.P.

J. **Accessory Structures** - Accessory Structures, as defined in Article XIV, located within Zones A and AE, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

- 1. have unfinished interiors and not be used for human habitation;
- 2. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
- 3. be located outside the floodway;
- 4. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
- 5. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. **Floodways** -

- 1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 2. In Zones AE and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

- b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
- 3. In Zones AE and A riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
- L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
 - 1. Enclosed areas are not "basements" as defined in Article XIV;
 - 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
 - 3. The enclosed area shall not be used for human habitation; and,
 - 4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- M. **Bridges** - New construction or substantial improvement of any bridge in Zones A, AE, and VE shall be designed such that:
 - 1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

2. a registered professional engineer shall certify that:

- a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
- b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:

1. Zones A, AE, and VE shall:

- a. have the containment wall elevated to at least one foot above the base flood elevation;
- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
- c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, AE, and VE, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P. **Coastal Floodplains** -

1. All new construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
2. New construction or substantial improvement of any structure located within Zone VE shall:
 - a. be elevated on posts or columns such that:
 - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;

- (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
 - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
 - b. have the space below the lowest floor:
 - (1) free of obstructions; or,
 - (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
 - (3) constructed to enclose less than 300 square feet of area with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
 - c. require a registered professional engineer or architect to:
 - (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
 - (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.P.2.
- 3. The use of fill for structural support in Zone VE is prohibited.
- 4. Human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
- 5. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.
- 6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:
 - a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

- b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
- d. The structure shall have unfinished interiors and shall not be used for human habitation.
- e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.
- f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Code Enforcement Officer that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit

- 1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied, may serve as the permit application for the Conditional Use Permit.
- 2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
- 3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
- 4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
- 5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:
 1. an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, H, or P and,
 2. for structures in Zone VE, certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.P.2.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the required certificate(s) and the applicant's written notification; and,
 2. upon determination that the development conforms to the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided in order to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE X - APPEALS AND VARIANCES

The Board of Appeals of the Town of Hancock may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
1. a showing of good and sufficient cause; and,
 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,

- d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Article X and Article VI.K. are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - 1. the development meets the criteria of Article X, paragraphs A. through D. above; and,
 - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article X, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
 - 1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE XI - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to other actions, the Code Enforcement Officer may, upon identifying a violation, submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. The valid declaration shall consist of:
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XII - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIV - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law, and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - a small detached structure that is incidental and subordinate to the principal structure.

Adjacent Grade - the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard - land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - area of a building that includes a floor that is subgrade (below ground level) on all sides.

Breakaway Wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - see **Structure**.

Certificate of Compliance - a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer - a person certified under Title 30-A MRSA, Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws.

Conditional Use - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

Containment Wall – wall used to convey or direct storm water or sanitary water from the initial source to the final destination.

Development – a manmade change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

Digital Flood Insurance Rate Map (FIRM) – see **Flood Insurance Rate Map**

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones A or AE, so that the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored to not impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L. In the case of Zone VE, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.P.2.b.(3).

Elevation Certificate - an official form (FEMA Form 81-31, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

Flood or Flooding

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or

by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Floodprone Area - land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior, or
 - 2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this Ordinance.

Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - when related to the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - the national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

New Construction - structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD) - means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - a vehicle that is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway –

- a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of

construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

60.3 (e) Rev. 01/16
Prepared by DACF/JP

MINERAL EXTRACTION ORDINANCE

Hancock, Maine

Enacted May 12, 1997

**Amended
May 10, 1999
May 10, 2004
September 19, 2017**

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Fee schedule

ARTICLE I - TITLE & PURPOSE

Sect. 1 Title

This Ordinance shall be known and may be cited as the Mineral Extraction Ordinance of the Town of Hancock, Maine and will be referred to herein as "this Ordinance."

Sect. 2 Purpose

The purpose of this Ordinance is to establish minimum removal and reclamation standards, and municipal procedures intended to regulate the removal, processing and storage of topsoil, loam, rock, flat rock, sand, gravel, or other similar materials, other than metallic minerals. These standards and procedures are intended to protect the public health, safety, and general welfare; and to minimize the adverse impact of extraction to the town, abutting property owners, citizens of the town, and wildlife and natural resources by:

- A. Preserving and protecting surface and groundwater quality and quantity;
- B. Preserving the value of property;
- C. Assuring that mineral exploration or extraction activities are compatible with permitted uses in that particular zone;
- D. Assuring protection of wildlife and wildlife habitat; and
- E. Protecting the scenic quality of Hancock, its environment and its residents.

ARTICLE II - AUTHORITY, APPLICABILITY & ADMINISTRATION

Sect. 1 Authority

This Ordinance is enacted pursuant to Home Rule Powers as provided for in Article 8, Part 2 of the Maine Constitution and under the authority granted to the town by the statutes of the State of Maine, Title 30-A M.R.S.A., Section 3001 and 3105(2), and Title 38 M.R.S.A. Sections 490-DD and 490-I.

Sect. 2 Administration

The provisions of this Ordinance shall be administered by the Town of Hancock's Planning Board and enforced by the Town of Hancock's CEO and Board of Selectmen, who will establish, after notice and hearing, and, from time to time, revise a fee schedule for the various applications and fees required by this Ordinance.

Sect. 3 Effective Date

This Ordinance shall be effective upon its adoption by vote of the eligible voters of the Town of Hancock, Maine in town meeting.

Sect. 4 Applicability

- A. The provisions of this Ordinance shall apply to all mineral extraction operations (MEOs), except metallic minerals, within the Town of Hancock, Maine, as described in Article I, and as listed below, unless exempted in Article III.
 - 1. Existing operations.
 - 2. Expansion of existing operations.
 - 3. New operations.

ARTICLE II - AUTHORITY, APPLICABILITY & ADMINISTRATION

Sect. 4 Applicability (continued)

- B. This ordinance does not apply to “inactive” mineral extraction operations, defined as (1) mineral extraction that has ceased for twelve (12) consecutive months prior to the adoption of this Ordinance, and (2) a mineral extraction operation that was not registered, pursuant to Article IV.1.A, within one hundred and eighty (180) days after the adoption of this Ordinance. No inactive mineral extraction operation shall be resumed until the owner or operator obtains a new approval pursuant to Article IV.3, for the entire affected area, except those portions previously reclaimed.
- C. Mineral extraction operations (MEOs) less than one (1) acre are allowed as a permitted use with Planning Board approval in the following zones: Commercial, Industrial, and Rural Undeveloped.

Mineral extraction operations (MEOs) less than five (5) acres in size are allowed as a Permitted use with Planning Board approval in the Rural Undeveloped Zone.

Mineral extraction operations (MEOs) over one (1) acre or that include processing are allowed as a permitted use with Planning Board approval in the Industrial zone.

Mineral extraction operations (MEOs) are prohibited in the following zones: Resource Protection, Shoreland Residential, Shoreland Development, Stream Protection, Rural Residential and Mobile Home. Operations are also prohibited at any historic site as well as any environmentally sensitive areas as defined by this or any other Town of Hancock Ordinance.

All zoning classifications are as defined in the Hancock Environmental Control Ordinance and permitted MEO's are listed in its Schedule of Uses.

ARTICLE III - EXEMPTIONS

This Ordinance shall not apply to the following:

- A. Mineral exploration whose sole purpose is the determination of the nature and/or extent of mineral resources, accompanied by hand-sampling, test boring, or other methods which create minimal disturbance. Test holes shall be filled in immediately after use;
- B. Mineral extraction operations that affect less than five thousand (5,000) square feet of surface area, or the removal or handling of less than two hundred (200) cubic yards of material in less than twelve (12) months;
- C. Storage or Stockpiles of winter abrasives (sand) used for the maintenance of private or public roads. This applies to the stockpile or storage area itself and not any associated mineral extraction activity or area;
- D. Removal or filling of material incidental to construction, alteration or repair of a structure, or in the landscaping incidental thereto;
- E. Construction of farm and fire ponds; and water management berms; and

ARTICLE III - EXEMPTIONS (continued)

- F. Inactive areas where previous mining had last occurred at least 12 months prior to the adoption of this Ordinance. [NOTE: Mineral extraction operations, which are exempt from this Ordinance, may need a permit under provisions of the Environmental Control Ordinance of the Town of Hancock, and must comply with other rules and regulations of the Town.]

ARTICLE IV - APPLICATION

Sect. 1 Existing Operations

- A. Within one hundred and eighty (180) days of the approval of this Ordinance, all MEOs existing as of that date, shall be registered with the Planning Board, and submit the following:
1. Registration fee.
 2. Names and addresses of the current owner of the MEO and the operator, and a copy of the deed or lease, if the operator is not the property owner.
 3. Evidence that the MEO qualifies as an existing operation, boundaries of the tract of land showing lot lines, total acreage of entire parcel, existing and proposed excavation areas, depth and height of final excavation, structures on property, area used for storage of topsoil and other overburden, location of hazardous material storage areas, location of existing public and private streets, roadways, rights of way, and access roads, the amount of earth material annually extracted, whether processing of materials is done on the site, the nature and amount of that processing, the average daily number of trucks taking material in or out of the site, and the number of employees.
 4. For existing operations larger than the five (5) acres or more surface area at the time of passage of this Ordinance, the reclamation plan as required by the Maine Department of Environmental Protection (MDEP) must be submitted.
- B. Any operation not registered, or which fails to qualify to be registered, pursuant to this section, shall be deemed closed, and may not, after such 180 day period, continue or resume operation, and be subject to the civil penalties allowed in 30-A M.R.S.A., Section 4452 assessed for each day after the 180-day period.

Sect. 2 Expansion of Existing Operations

A. Requirements

In the Industrial Zone no MEO existing at the time of passage of this Ordinance may expand without first obtaining an Expansion of Existing Mining approval from the Planning Board. For operations less than five (5) acres in surface area as of the effective date, expansion is defined as an additional fifty percent (50%) or more in surface area. For operations larger than five (5) acres, expansion is defined as an increase of fifty percent (50%) or more surface area or four (4) additional acres, whichever is less. In Rural Undeveloped Zone, once mineral extraction operation has reached five (5) acres in size, no expansion is allowed until 4/5 of the existing excavated area has been reclaimed in accordance with Article V, Section 13 of this Ordinance and a new application has been approved by the Planning Board.

B. Application Requirements

The applicant shall submit the following to the Planning Board:

1. Ten (10) paper copies of the Application including one (1) digital copy in pdf format.
2. Application fee and technical review fee.
3. Names and addresses of current owners of the property and the current or proposed operator.
4. A copy of the deeds or lease agreements, if the operator is not the owner, with copies of all covenants, deed restrictions, easements, rights of way, or other encumbrances, including, but not limited to liens and mortgages currently affecting the property.
5. A site plan, prepared by a licensed surveyor, showing the following:
 - a. Date plan prepared, scale of drawings, with north arrow (indicate true or magnetic).
 - b. Boundaries of land showing lot lines, total acreage, existing and proposed excavation areas, structures on property, anticipated depth and height of final excavation, areas to be used for storage of topsoil and other overburden, location of existing or proposed hazardous material storage areas, location of public and private streets, parking areas, roadways and rights of way, location of existing or proposed access roads, security gates, fencing, exposed ground water on site, all temporary and permanent structures located on property, and depth of ground water at representative points throughout site including at the site of the existing or proposed excavation, as determined by test borings and other geotechnical methods. Contours of the mineral extraction area and surrounding area for two hundred (200) feet at five (5) foot contour intervals. GPS coordinates of the proposed active extraction site or area.
6. Reclamation Plan: In the same scale as the site plan, prepared by a registered civil engineer, registered landscape architect or licensed land surveyor requiring, at a minimum, the following:
 - i. Final contours of site after reclamation at two (2) feet or less contour intervals.
 - ii. Areas which will be back-filled and restored with topsoil and other overburden, and depth of same.
 - iii. Areas which will contain water with measures to be taken to avoid stagnation and erosion
 - iv. Phasing program of reclamation and timing.
 - v. Landscape plan, indicating location and type of proposed landscape features including plant list.
 - vi. Location of driveways, roads, fences, and gates to be part of restoration program.
 - vii. Description of proposed final care of site, and a statement of how this relates to Hancock's Comprehensive Plan and Environmental Control Ordinance's zoning classification.

ARTICLE IV – APPLICATION

Sect. 2 Expansion of Existing Operations (Continued)

B. Application Requirements (continued)

7. The following submissions and narratives shall be provided with the application:
 - a. Present uses of the entire property, including existing excavated area, and present use of adjacent property.
 - b. The approximate date of commencement of excavation, and estimated time schedule of future excavation, reclamation and closure including proposed phasing of operation, if applicable.
 - c. Proposed hours and days of operation.
 - d. A plan showing how security at the site will be controlled.
 - e. Location of residences and wells within 1,000 feet of property boundaries with names of property owners shown.
 - f. Names and addresses of all property owners within 1,000 feet of the property.
 - g. Plan for screening the operation from abutters and public roads.
 - h. Estimated volume of the excavation.
 - i. Method of extracting and processing, if applicable.
 - j. Blasting plan, if applicable.
 - k. Disposition of topsoil or overburden, equipment proposed to be used in operation, and operational practices to be used to prevent surface or groundwater pollution, and minimize noise, dust, air contaminants and vibration.
 - l. Whether processing of materials will be brought on site from another location.
 - m. A plan showing, in addition to location of hazardous materials, provisions for safe storage of such material. No hazardous materials shall be located or stored such that they will enter the ground or surface water.
 - n. A Spill Prevention, Control & Containment Plan (SPCC).
 - o. An erosion and sedimentation control plan, prepared with standards contained in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, dated October 2016 or latest edition.
 - p. Identification of all required state and/or federal permits, including, if applicable, a Department of Environmental Protection permit ID number and copies of DEP inspection reports. Any letters of warning, notices of violation issued to the applicant and/or their agent within the last ten (10) years.
 - q. Letter from Maine Historic Preservation Commission documenting historic buildings and sites.
 - r. A narrative description of the impact on the significant wildlife habitat, designated by the Maine Department of Inland Fisheries & Wildlife.
 - s. Pre-development ambient hourly sound levels for protected locations.
 - t. Proof of financial capacity and technical ability to complete the project as reasonably related to size and intensity of project.
 - u. A performance guarantee in the form of a bond, letter of credit, or such other financial instrument as deemed satisfactory by the Town Board of Selectmen, covering the cost of the reclamation plan or next phase when reclamation plan is divided into distinct sections.

ARTICLE IV – APPLICATION

Sect. 2 Expansion of Existing Operations (Continued)

B. Application Requirements (continued)

- v. Before commencing removal of any earth materials, the owner or operator of the extraction site shall present evidence to the Planning Board of adequate insurance to indemnify the Town of Hancock against liability arising from the proposed extraction operations, and such insurance shall be maintained throughout the period of operation.
- w. A hydrogeological evaluation, prepared by a qualified professional, which shows the quality and depth of ground water throughout the site and establishes that the MEO will not cause any pollution to ground water and/or surface water. If in the Aquifer Protection Overlay Zone, a Ground Water Impact Analysis per the Environmental Control Ordinance, Section 5:B.32 shall be submitted.
- x. A traffic study pursuant to Article V, Sect. 2, 10. Traffic and a Town of Hancock Driveway Permit if entrance is on a Town Road or Maine DOT Entrance/Access Permit.
- y. Any other pertinent information the Planning Board may require.

Sect. 3 New Mineral Extraction Operation Applications

A. Application Requirements

No new MEO or pre-existing operation which failed to meet registration requirements of Article IV, Section 1, may commence operation, without first applying to the Planning Board for approval of a new Mineral Extraction Operation application.

- B. All application requirements identified in Article IV - Sect. 2 B. shall be submitted.

Sect. 4 Waiver of Submission

The Planning Board, upon the written request of an applicant stating the reasons therefore, with written findings of fact that there are special circumstances in an MEO that affects an area less than one (1) acre and over five thousand (5,000) square feet, may waive any of the application requirements set forth in Article IV, Sect. 2 B. and Sect. 3 A. and B., providing the public health, safety and welfare are protected, and the waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, Environmental Control Ordinance, or this Ordinance. Notwithstanding the waiver of a submission requirement, the Planning Board may, at any later point in the review process, rescind such waiver if it appears that the submission previously waived is necessary for an adequate review. A request for a submission previously waived shall not affect the pending status of an application.

Sect. 5 Application Procedures

A. Application forms for MEOs shall be provided by the Town of Hancock, and submitted to the CEO, who will submit them to the Planning Board within seven days.

1. Ten (10) paper copies and one (1) digital copy in pdf format of the application shall be accompanied by an Application Fee and a Technical Review Fee as the same may be established from time to time by the Board of Selectmen, after notice and hearing (see current Fee Schedule).

The fees shall be paid to the Town of Hancock and the purpose of the fees shall be clearly indicated on the receipts for same.

If the balance of the unexpended funds in the Technical Review Fee are drawn down by fifty percent (50%) or more, the applicant shall be notified and required to pay an additional amount as the same may be established from time to time by the Board of Selectmen, after notice and hearing. The applicant shall continue to be notified and required to pay the appropriate additional amounts as necessary whenever the balance of the funds is drawn down by 50% of the original amount. Failure to pay the required amount within 30 days shall also be a violation of this Ordinance and be cause to stop the review process.

Any balance remaining in the Technical Review Fee, after approval of the Mineral Extraction Operation, shall be returned to the applicant.
See Article VI - Performance Guarantees, Sect. 2 Professional Review.

2. The Planning Board shall schedule an on-site inspection.
3. Within thirty (30) days of receiving an application, the Planning Board shall notify the applicant whether the application is complete, or if incomplete, the additional material needed for completion. Determination of completeness by the Planning Board in no way binds the Board as to the adequacy of the application to meet the criteria of this Ordinance.

B. Public Hearing

All Mineral extraction applications require a Public Hearing.

At the expense of the applicant the Planning Board shall:

1. Advertise a Public Hearing seven (7) days in advance in a local newspaper, and post notices in appropriate places.
2. Notify by mail at least ten (10) days in advance of Public Hearing, all owners of property, listed on town tax maps, within a minimum of 1,000 feet of the boundary of the property for which application is being made at the discretion of the Planning Board.
3. Notify by mail at least 10 (ten) days in advance of Public Hearing, Ellsworth and Lamoine Planning Boards if the application is in the Aquifer Protection Overlay Zone.

ARTICLE IV – APPLICATION

Sect. 5 Application Procedures (continued)

- C. Planning Board Decision on the MEO Activity Application
1. Within thirty (30) days of a Public Hearing, or within sixty (60) days of having received a complete application, the Planning Board shall issue a written finding of fact and decision whether the General Requirements and Performance Standards in Article V have been met, granting or denying approval of the proposed MEO activity, or approving, with conditions on such terms as it may deem advisable, to satisfy this Ordinance. In all instances, the burden of proof shall be upon the applicant.
 2. Upon approval of the MEO application, the Board shall sign all five (5) copies of the final site plan. The site plan copies shall be distributed to: a) the applicant, b) the Planning Board, c) the tax assessor, d) the CEO, and e) the Town. See Article XII - for Final Plan Approval signature block and details.
 3. Approval, by the Planning Board, of an MEO, does not show evidence of acceptance, by the Town of Hancock, of any road, easement, or open space on such plan.

Sect. 6 Inspections

A. Annual Inspections

The CEO, or his/her designee, shall conduct an annual compliance inspection prior to the anniversary date of the original approval, to determine whether the approved MEO applicant/operator has complied with, or deviated from, the approved plan. An annual compliance fee is required. Reports shall be provided to the Planning Board, Board of Selectmen, and MEO applicant/operator. In case of non-compliance, the CEO shall issue a STOP WORK ORDER, EXCEPT FOR REMEDIAL ACTION, until such time as compliance is achieved.

Sect. 7 Conditions and Limitations

A. General

Before any mineral extraction activity begins, the applicant shall obtain all applicable permits required by town, state, or federal regulations, laws, or ordinances regulating such developments. Violation of other permits necessary for operation shall be considered a violation of this Ordinance.

Before a Final Plan has been approved, the following is not permitted:

1. No material from any MEO may be sold.
2. Development of the infrastructure of the MEO is not permitted, including buildings, roads, removal of vegetation, land clearing, timber harvesting and utility installations.

B. Expiration

Mineral Extraction approvals shall expire one (1) year from the date of issuance, unless the mineral extraction activity has commenced.

- C. Plan Revisions
Plan revisions, after approval, shall be made as provided for in Article VII, Section 2 of this Ordinance.
- D. Expert Consultant
In the event the CEO and/or the Planning Board require expert consultation, the charges for same shall be the responsibility of the applicant/operator.
- E. Transfer of Mineral Extraction Operation
When an MEO ownership is transferred:
 - 1. the transferor shall notify the Planning Board of the transfer,
 - 2. the transferee shall file a Notice of Intent to Comply similar to that required by the MDEP - 38 M.R.S.A. §490-C (borrow pits) and §490-R (quarries), and
 - 3. the transferee must provide a new performance guarantee acceptable to the Hancock Board of Selectmen.

ARTICLE V - PERFORMANCE STANDARDS

Sect. 1 General Requirements

- A. Mineral extraction operations shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this article conflict with specific provisions of State laws or other town ordinances, the stricter provisions shall prevail.
- B. The owner and/or operator of a mineral extraction activity shall be responsible, both jointly and severally, for ensuring the maintenance of all infrastructure, structures and their sites.
- C. In all cases, the applicant shall have the burden of proof that all requirements, standards, and conditions of this Ordinance and subsequent approval are met.
- D. Where the Code Enforcement Officer and/or Planning Board determine there is a need for testing or measurements of standards, all reasonable testing shall be at the operator's expense.
- E. The Planning Board shall consider the financial capacity, technical ability, and performance record of the applicant to conduct all proposed and approved activities in accordance with these performance standards.

Sect. 2 Performance Standards

- A. Unless otherwise noted, and not required in the application requirements, these standards apply to all mineral extraction operations over 5,000 square feet.
- B. Existing mineral extraction operations, after registering with the Town, may continue to operate at their present size and not be regulated by the standards that apply to expansions and new operations.
- C. The Planning Board in reviewing projects requiring Mineral Extraction Operation Approval under this Ordinance shall make positive written findings that the applicant has submitted

clear and convincing evidence that all of the following Performance Standards have been met. Projects that don't meet these standards shall not be approved.

- 1. Significant wildlife habitat and other protected areas.** Affected land may not be located in a significant wildlife habitat as defined in Title 38 M.R.S.A. Section 480-B or in an area listed pursuant to the Natural Areas Program, Title 12, Section 544.
- 2. Solid waste and sewage disposal.** Solid waste, including stumps, wood waste and land-clearing debris generated on the affected land must be stored or disposed of in accordance with Maine Department of Environmental Protection (MDEP) Regulations, Chapter 400.
 - a. The storage, collection and disposal of refuse at the extraction site shall not create health hazards, rodent or insect breeding areas, accident or fire hazards, air pollution, or surface or ground water pollution.
 - b. All sewage shall be disposed of by sewage systems meeting the requirements of the State of Maine Plumbing Code
- 3. Groundwater protection.** To provide an adequate buffer for ground water and allow for filtration of impurities from surface water, excavation shall not occur within 5 feet of the seasonal high water table. One or more test pits or wells sufficient to verify the location of the seasonal high water table must be established.
 - a. The Planning Board shall require monitoring of groundwater levels twice per year and may require monitoring of groundwater quality to assure there are no adverse impacts to any water supplies or wells within 500 feet of the site, and that at least one test pit or monitoring well must be established on each 5 acres of unreclaimed land.
 - b. A hydrogeologic evaluation performed by a qualified professional, which shows the depth of ground water throughout the site and establishes that the MEO will not cause any pollution to ground water and/or surface water is required.

If in the Aquifer Protection Overlay Zone a Ground Water Impact Analysis per the Environmental Control Ordinance, Section 5:B.32 shall be submitted.

If over 5,000 gallons per day is to be withdrawn to be used for operational purposes, dust control, etc. a hydrogeologic evaluation should identify the location of any proposed extraction well and any potential adverse effects to the water supplies.

- c. Separations between excavations and private water sources existing at the time of application shall be 300 feet. Separations between excavations and public water sources shall conform to MDEP standards contained in 38 M.R.S.A. 490-D, Performance Standards for Excavations.
- d. If any petroleum products or other materials with potential to contaminate groundwater are to be stored on the site, a Spill Prevention Control and Countermeasures (SPCC) Plan shall be submitted. The Plan should be developed in accordance with MDEP regulations as referenced in paragraph f., below, and must be posted at the site.

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

- e. Petroleum products, highly flammable or explosive liquids, solids or gases shall be located in bulk, above ground, anchored tanks or containers, having a secondary containment system for control of spills and leaks, located at least 75 feet from any lot line, Town road or interior road. The use of underground tanks is strictly prohibited.
 - f. Refueling operations, oil changes, other maintenance activities requiring the handling of fuels, petroleum products and hydraulic fluids and other on-site activity involving storage or use of products that, if spilled, may contaminate groundwater, must be conducted in accordance with the SPCC Plan and follow Performance Standards for the Storage of Petroleum Products as outlined and included in MDEP's Chapter 378-and 40 CFR 112.
 - g. Routine maintenance operations are allowed for fixed equipment such as screeners, crushers and wash facilities provided that precautionary measures such as portable drip pans or vacuum devices are used.
 - h. Crankcase oil, hydraulic fluids, or similar products shall not be changed, stored, or disposed of within any work site within the Aquifer Protection Overlay Zone unless specifically covered in an SPCC Plan developed in accordance with MDEP regulations.
- 4. Natural buffer strip.** Existing vegetation within a natural buffer strip may not be removed. If vegetation within the natural buffer strip has been removed or disturbed by the excavation or activities related to the mineral extraction operation prior to submission, that vegetation must be reestablished as soon as practicable.
- 5. Protected natural resources.** A natural buffer strip must be maintained between the working edge of an excavation and a river, stream, brook, coastal wetland or freshwater wetland as defined in Title 38 M.R.S.A., Section 480-B. The width requirements for natural buffer strips are as follows:
- a. A natural buffer strip at least 100 feet wide must be maintained between the mineral extraction operation and the normal high water line of any permanent surface water body or wetland.
 - b. A natural buffer strip at least 75 feet wide must be maintained between the mineral extraction operation and the normal high water line of a seasonal waterbody or wetland.
- 6. Public and private roads.** A natural buffer strip at least 150 feet wide must be maintained between the working edge of an excavation and any public road right of way and a strip at least 50 feet wide must be maintained from the edge of any off-site private road or right of way. No below grade excavation or mining shall be allowed within 200 feet of any public road right of way.
- 7. Property setbacks, boundaries, buffers and screening.**
- a. A setback of at least 300 feet wide shall be maintained between all mineral extraction excavations and protected locations.

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

- b. To minimize visual impacts and provide for wildlife, a natural buffer strip at least 100 feet wide (quarries) and 50 feet wide (borrow pits) shall be maintained between an excavation and any property boundary.

With the abutter's written permission, the above setbacks and natural buffer strips can be reduced to 10 feet, except the distance may not be reduced to less than 25 feet from the boundary of a cemetery or burial ground. The written permission indicating the registry book and page reference to the subject property(s) shall be recorded at the Hancock County Registry of Deeds and a copy on file in the Hancock Town Office.

- c. The natural buffer strip between excavations owned by abutting owners may be eliminated with the abutter's written permission, provided the elimination of this buffer strip does not increase the runoff from either excavation across the boundaries of adjacent property owners. The written permission indicating the registry book and page reference to the subject property(s) shall be recorded at the Hancock County Registry of Deeds and a copy on file in the Hancock Town Office.
- d. To protect neighboring uses from dust, noise and unsightly appearance, the Planning Board shall require the applicant to provide screening to shield all operations from surrounding property where there is inadequate natural buffer including, but not limited to, the planting of trees, placement of solid fence or creation of berm, but no closer than twenty-five (25) feet of the property boundary. Screening may take place within the buffer at the discretion of the Board or may be outside the buffer depending on the site conditions. For additional screening information, refer to the Environmental Control Ordinance, Appendix A.

8. Erosion and sedimentation control. All reclaimed and unreclaimed areas, except for access roads, must be naturally internally drained unless an approved engineering plan is provided.

- a. All erosion and sedimentation plans must conform to standards outlined in the Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers, October 2016 or latest edition.
- b. Stockpiles consisting of topsoil to be used for reclamation and berms must be seeded, mulched or otherwise temporarily stabilized.
- c. Sediment may not leave the parcel or enter a protected natural resource.
- d. Grubbed areas not internally drained must be stabilized.
- e. Erosion and sedimentation control for access roads must be conducted in accordance with DOT best management practices for erosion and sedimentation control.
- f. Land shall be restored and stabilized according to the Reclamation Plan.

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

- g. For projects exceeding 1 acre, a volume calculation shall be provided demonstrating that the area(s) will safely hold a volume of precipitation at least equal to that which may be expected in the area from the 25-year, 24-hour storm event for the region.

9. Surface water protection and storm water management. Surface water discharges from areas not required to be naturally internally drained may not be increased as a result of storm water runoff from storms up to a level of a 25-year, 24-hour storm. Accumulated water from precipitation must be put into sheet flow and the discharge point must be directed to an undisurbed natural buffer strip. The discharge point must be at least 250 feet away from a protected natural resource. The slope of the discharge area may not exceed 5%.

- a. Grading or other construction activity on the site may not alter natural drainages so that the drainage, other than that which occurred before development, adversely affects an adjacent parcel of land or so that the drainages flowing from an adjacent parcel of land to the parcel are impeded.
- b. Structures such as detention ponds, retention ponds and undersized culverts may not be used to meet the standards in this subsection.

10. Traffic. The following provisions govern traffic.

- a. Access Standards
- i. Entrances and exits of the mineral extraction operation onto a public way must be located, posted and constructed in accordance with standards for roadways adopted by the Town of Hancock's Ordinances and the Maine DOT. Adequate distances for entering, exiting and stopping must be maintained in accordance with these standards.
- ii. The intersection of any road within the mineral extraction operation and an existing public road shall meet all standards for roads adopted by the Hancock Subdivision Ordinance.

The following design standards apply:

DESCRIPTION	DIMENSION
Minimum Traveled Way	18'
Shoulder Width	2'
Maximum Grade	8%
Roadway Crown	¼" /ft.
Angle of all Road Intersections	90 degrees
Maximum Grade within 75' of Intersections	3%
Minimum Curb Radii at Intersections	25'
Minimum r/o/w Radii at Intersections	10'

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

- iii. Sight Distances. Access shall be designed in line and grade to provide the required sight distance in each direction, as outlined below:

VEHICLE TYPE EXPECTED TO ENTER OR CROSS HIGHWAY	SIGHT DISTANCE (GIVEN IN FEET PER EACH 10 MPH OF POSTED SPEED)
Single-unit truck	130
Multi-unit truck	170

Sight distance shall be measured at a distance of 15 feet back from the edge of the travel way and at a height of 3.5 feet above the proposed access road grade to an object 4.25 feet above the pavement. Each direction of traffic shall be considered separately.

- iv. Pavement. All driveways within the road right of way shall be paved with bituminous concrete pavement. All access points, regardless of access volume, shall provide a paved apron extending a minimum 30 feet beyond the right of way.
- v. Number of entrances. Unless approved by the Planning Board, no mineral extraction operation shall have more than two entrances on any one road nor shall entrances be spaced any closer than 120' away from other entrances as measured from the closest adjacent edge of each driveway excluding radii, whether these be located on the subject property, or adjacent properties. Adjacent Properties under the same ownership shall be considered as a single property for application of entrance spacing.
- vi. Alignment of access drives. Access drives shall be either lined up with access drives located across roads or offset by a minimum distance of 100 feet. The Planning Board shall have the option of waiving this provision on individual lots after a review of the volume of traffic to be generated by a specific proposed use.
- vii. Distance from intersections. Access drives shall be located so as to allow the maximum clearance distance from road intersections as practical, based on site constraints. No access drive shall be located closer than 150 feet from any intersection measured from the closest adjacent edge of pavement excluding radii. Driveways to corner lots shall gain access from the road of lower classification when a corner lot is bounded by roads of two different classifications.
- b. Traffic impact study requirement if the access is onto a Town Road.

The operator shall provide a traffic impact study at his or her own expense. This study is subject to review by another consultant of the Town's choosing at the operator's expense.

The safety and congestion mitigation measures recommended in the traffic study shall be followed by the operator.

i. Traffic Impact Study Requirements

a) Study Area

The study area must include the first major intersection to either side of the mineral extraction entrance. The study area must be expanded beyond the first major intersection to either side of the entrance to include those links and intersections for which, during any one-hour peak period, truck traffic to and from the mineral extraction operation equals or exceeds the following:

- 1) 25 vehicles in a left-turn lane;
- 2) 35 vehicles in a through lane, right-turn lane or a combined through and right-turn lane; or
- 3) 35 vehicles (multiplying the left-turn lane volume by 1.5) in a combined left-turn, through and right-turn lane.

A map showing the parcel boundaries, town roadways, access road, and other driveways and rights of way within 200 feet of the access road, shall be submitted to the Planning Board indicating the roads and intersections to be studied.

The study area identifying the roads and intersections to be studied shall be approved by the Planning Board prior to undertaking the analysis.

b) Scenarios

The traffic study shall consider the following scenarios:

Existing

Existing + Project

The existing + project scenario shall include traffic attributable to the proposed mineral extraction operation as well as other projects that are proposed or approved.

c) Data Collection

Traffic counts shall be collected at each of the study intersections and/or study roadway segments. Traffic data shall identify truck counts. Existing traffic count data may be used if data is less than 5 years old and no significant project development has occurred in the surrounding area, and no other changes have occurred to limit the usefulness of the data.

Pedestrian and bicyclist counts may be required by the Planning Board.

d) Trip Generation and Distribution

The number of daily and peak-hour trips attributable to the proposed mineral extraction operation shall be identified based on project-specific information and comparison to similar facilities. Distribution of project traffic shall be based on substantial evidence.

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

A calculation of traffic attributable to other projects that are proposed or approved shall be identified based on project-specific information, project-specific traffic studies, and/or rates based on the Institute of Transportation Engineers' Trip Generation Manual.

A map shall be provided indicating the distribution of project traffic and traffic attributable to other projects.

e) **Capacity Analysis**

The level of service (LOS) shall be analyzed for all study area roadways and intersections. LOS analysis shall be consistent with procedures defined in the latest version of the Highway Capacity Manual published by the Transportation Research Board. LOS analysis shall address weekday A.M. and P.M. peak hours and Saturday peak hours.

f) **Access Design**

The proposed project access road shall be evaluated for safety of ingress and egress and for conformity to Town design standards identified in Section 10.b.ii.

g) **Safety**

The traffic study shall identify any potential traffic safety impacts caused by additional project traffic, design features or incompatible land uses. The analysis shall address safety impacts to pedestrians and bicyclists.

h) **Design and Mitigation**

The traffic study shall determine and document safe and efficient operational design needs based on site and study area data. Operational concerns and mitigation measures to ensure safe and efficient operation shall be identified. The study shall identify any mitigation measures needed to ensure LOS standards identified in Section 10.b.ii are maintained. Where necessary to safeguard against hazards to pedestrians and to avoid traffic congestion, or adverse impacts to Town roads, alternative routing may be required.

ii. **Traffic Impact Criteria**

Traffic from the mineral extraction operation shall not:

- a) increase the volume to capacity of any town road above 80%,
- b) decrease the LOS of a Town road intersection by more than one level, or
- c) reduce a Town road intersection LOS to "D" or below.

Evaluation of intersection LOS shall be based on the following definition provided by the Highway Capacity Model published by the Transportation Research Board:

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

LEVEL OF SERVICE	UNSIGNALIZED AVERAGE DELAY PER VEHICLE (SEC.)	SIGNALIZED AVERAGE DELAY PER VEHICLE (SEC.)
A	≤ 10	≤ 10
B	$>10 - \leq 20$	$>10 - \leq 20$
C	$>20 - \leq 30$	$>20 - \leq 35$
D	$>30 - \leq 40$	$>35 - \leq 55$
E	$>40 - \leq 50$	$>55 - \leq 80$
F	>50	>80

iii. Road Condition

Where mineral extraction activity traffic will use town maintained roads, the condition of the existing roads shall be suitable for the proposed traffic volume and type. The Road Commissioner shall provide a preliminary determination of the suitability of the existing roads. Based upon the Road Commissioner's evaluation, the Planning Board may require an engineering impact study, at the expense of the applicant, and may require mitigation for adverse impacts on Town roads.

- 11. Noise.** The sound level limits contained in this regulation apply to areas that are defined as protected locations, and to property lines of the proposed mineral extraction operation or contiguous property owned by the operator, whichever are farther from the proposed operation's regulated sound sources.

The sound level limits contained in this regulation do not apply to noise within the mineral extraction operation boundary.

a. Sound Level Limits

Except as allowed for production blasting, the hourly sound levels resulting from the mineral extraction operation shall not exceed the following limits:

- i. At any property line of the mineral extraction operation or contiguous property owned by the operator, whichever is farther from the proposed mineral extraction operation's regulated sound sources: 75 dBA between 6 a.m. and 7 p.m. in the Industrial Zone; and 65 dBA between 7 a.m. and 6 p.m. in all other zones.
- ii. At any protected location: 50 dBA between 6 a.m. and 7 a.m., and 60 dBA between 7:00 a.m. and 7 p.m. in the Industrial Zone; and 60 dBA between 7:00 a.m. and 6:00 p.m. in all other zones.
- iii. When a proposed mineral extraction operation is to be located in an area where the daytime pre-development ambient hourly sound level at a protected location is equal to or less than 45 dBA and/or the nighttime pre-development ambient hourly sound level at a protected location is equal to or less than 35 dBA, the hourly sound levels resulting from routine operation of the mineral extraction operation shall not exceed: 45 dBA

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

between 6 a.m. and 7 a.m., and 55 dBA between 7 a.m. and 7 p.m. in the Industrial Zone; and 55 dBA between 7:00 a.m. and 6:00 p.m. in all other zones.

To determine pre-development ambient hourly sound levels, measurements shall be made at representative protected locations for periods of time sufficient to adequately characterize the ambient sound. At a minimum, measurements shall be made on three different weekdays (Monday through Friday) during all hours that the development will operate. Measurement periods with particularly high ambient sounds, such as during holiday or seasonal traffic activity, should generally be avoided.

Measurement of sound levels will be measured in accordance with regulations pursuant to MDEP's Site Location of Development Law, Chapter 375.10. Control of Noise.

- b. Exemptions. Sound associated with the following shall be exempt from regulations by the Planning Board:
 - i. Warning signals and alarms.
 - ii. Safety and protective devices installed in accordance with code requirements.
 - iii. Test operations of emergency equipment occurring in the daytime and no more frequently than once per week.
- c. The Planning Board may, as a term or condition of approval, establish any reasonable requirement to ensure that the mineral extraction operator has made adequate provision for the control of noise from the operation, and to reduce the impact of noise on protected locations. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.
- d. The sound level limits prescribed in this regulation shall not preclude the Planning Board from requiring a mineral extraction operator to demonstrate that sound levels from a mineral extraction operation will not unreasonably disturb wildlife or adversely affect wildlife populations.

In addition, the sound level limits shall not preclude the Board, as a term or condition of approval, from requiring that lower sound level limits be met to ensure that the operator has made adequate provision for the protection of wildlife and impact on protected locations.

- 12. Dust and Air Pollution.** Air pollution in the form of dust and dirt shall be kept to a minimum by the use of modern equipment and methods of operation designed to avoid excessive dust, dirt or other air pollution injurious or substantially annoying to adjoining property owners. Emission of dust and dirt at any point beyond lot lines shall be prohibited.

- a. All air pollution control shall comply with minimum State requirements and all applicable equipment must have a current MDEP Air Emissions License.

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

- b. Dust generated by activities at a mineral extraction operation must be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions so that the particulate standards set forth in 38 M.R.S.A. 584-A are not exceeded.
- c. All access/egress roads leading to/from the extraction site to public ways shall be treated to reduce dust and mud.
- d. Loaded vehicles shall comply with all State Laws and Regulations and be suitably covered to prevent dust and contents from spilling or blowing from the vehicle. Spillage of extracted materials on public roads shall be the responsibility of the operator.

13. Reclamation. The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Reclamation shall be conducted in accordance with the MDEP's best management practices for erosion and sedimentation control and must include the following:

- a. Highwalls, or quarry faces, must be treated in such a manner as to leave them in a condition that minimizes the possibility of rock falls, slope failures and collapse. A highwall that is loose must be controlled by the use of blasting or scaling, the use of safety benches, the use of flatter slopes or reduced face heights or the use of benching near the top of the face or rounding the edge of the face.
- b. Side slopes of gravel pits must be regraded to a slope no steeper than two and a half (2 1/2) feet horizontal to one (1) foot vertical.
- c. Within six months of the completion of extraction operations, ground levels and grades shall be established in accordance with the reclamation plan; within 30 days of final grading, topsoil must be placed, seeded and mulched; all dependent upon seasonal weather conditions. Vegetative cover must be established on all affected land, except for quarry walls and flooded areas. This requirement may be waived if the CEO determines that the slope(s) exhibit substantial vegetation and are stable.
- d. Vegetative cover is acceptable if within one year of seeding:
 - i. The planting of trees and shrubs results in a permanent stand or a stand capable of regeneration and succession sufficient to ensure a 75% survival rate; and
 - ii. The planting of all material results in permanent 90% ground cover.
 - iii. Vegetative cover used in reclamation must consist of grasses, legumes, herbaceous or woody plants, shrubs, trees or a mixture of these.

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

- e. All access roads, haul roads and other support roads must be reclaimed, unless reserved for future productive use of the land, as described in the reclamation plan.
- f. All structures or temporary shelters and equipment used in active extraction operation shall be removed within 30 days following completion of active extraction operations.
- g. All affected lands must be reclaimed within 2 years after final grading.
- h. Topsoil that is stripped or removed must be stockpiled for use in reclaiming disturbed land areas unless the applicant demonstrates that the soil is not needed for reclamation purposes. Stockpiles must be seeded, mulched or otherwise stabilized. Whenever practical, at least 4 inches of topsoil should be used for final cover.
- i. The site must be reclaimed in phases so that the active extraction area does not exceed 5 acres at any time. This refers to the area of extraction and does not include roads, structures, stock-piles, etc. not part of the active mineral extraction operation.
- j. Upon completion of the reclamation, or the reclamation phase, a written reclamation certificate, signed by a registered professional engineer, shall be provided to the Board of Selectmen and Planning Boards.

14. Blasting. The applicant must ensure that the blasting is conducted in accordance with regulations issued pursuant to M.R.S.A. Title 25, Chapter 318 and conform, at a minimum, to MDEP, Article 8-A, Performance Standards for Quarries, 38 M.R.S.A. §490-Z(14).

- a. The blasting will be conducted in a manner which will cause no damage nor unreasonable disturbances to surrounding properties. The owner or operator shall use sufficient stemming, matting or natural protective cover to prevent flyrock from leaving property owned or under control of the owner or operator or from entering protected natural resources or natural buffer strips. Crushed rock or other suitable material must be used for stemming when available; native gravel, drill cuttings or other material may be used for stemming only if no other suitable material is available.

Sound from Production Blasting. Sound exceeding the limits in Sect. 2.11. Noise and resulting from production blasting at a mine or quarry shall be limited as follows:

Sound from blasting shall not exceed the following limits at any protected location:

Number of Blasts Per Day	Sound Level Limit
1	129 dBL
2	126 dBL
3	124 dBL
4	123 dBL

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

Blast sound shall be measured in peak linear sound level (dBL) with a linear response down to 5 Hz.

Refer to Bureau of Mines Report of Investigations 8485 for information on airblast sound levels and pertinent scaled distances.

- b. The maximum allowable airblast at any building not owned or controlled by the developer may not exceed 129 decibels peak when measured by an instrument having a flat response (+ or -3 decibels) over the range of 5 to 200 hertz.
- c. If necessary to prevent damage, the Planning Board may specify lower maximum allowable airblast levels than those in paragraph b. of this section for use in the vicinity of a specific blasting operation.
- d. Pre-blast surveys shall be conducted in accordance with MDEP Regulations outlined in the above-referenced Article 8-A.
- e. Blasting may not occur in the period between 4:00 p.m. and 9:00 a.m. the following day. Routine production blasting is not allowed on Saturday, Sunday, and holidays as specified in subsection 15. Hours of Operation. Detonation of misfires may occur outside of these times but must be reported to the Town Office within 5 business days of the misfire detonation.
- f. Blasting may not occur more frequently than 4 times per day.
- g. Under no circumstances shall the Planning Board approve any production blasting within one hundred fifty (150) feet of an adjoining property line.
- h. The maximum peak particle velocity at inhabitable structures not owned or controlled by the operator may not exceed the levels established in MDEP Article 8-A, Performance Standards for Quarries 38 M.R.S.A. § 490-Z.14.K. (Blasting), including Table 1 and the graph published by the U.S. Dept. of the Interior in "Bureau of Mines Report of Investigations 8507," Appendix B, Figure B-1.

Either of the above referenced guidelines must be used to evaluate ground vibration effects for those blasts for which a preblast survey is required and/or when blasting is to be monitored by seismic instrumentation.

- i. The maximum allowable ground vibration may be reduced by the Planning Board beyond the limits otherwise provided by this section, if determined necessary to provide damage protection.
- j. A record of each blast must be compiled in accordance with the specifications in the above mentioned Article 8-A. In addition, pre-blast, blast, and post blast linear-peak sound levels in decibels should be included for each airblast.

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

- k. The records for each blast, including all monitoring records, shall be filed with the Town no more than ten (10) days after each blast.
- l. **Blasting Schedule.** A blasting schedule shall be prepared by the blaster and be published in a newspaper of general circulation in the locality, at least 10 days, but not more than 30 days, before beginning a blasting program. Copies of the schedule shall be distributed to the Town, public utilities, and to all abutters and residences within one-half mile of the proposed blasting site described in the schedule and, as outlined in 30 CFR 816.64, shall contain, at a minimum:
- 1) Name, address, and telephone number of operator;
 - 2) Identification of the specific areas in which blasting will take place;
 - 3) Dates and times when explosives are to be detonated;
 - 4) Methods to be used to control access to the blasting area; and
 - 5) Type and patterns of audible warning and all-clear signals to be used before and after blasting.

15. Hours of Operation.

The following shall apply to specific applications of the operation.

Blasting	9 am - 4 pm	Monday-Friday
Drilling	8 am - 5 pm	Monday-Friday
Crushing & Processing Industrial Zone only	6 am - 7 pm	Monday-Friday
Loading & Trucking Industrial Zone	6 am - 7 pm	Monday-Saturday
Commercial and Rural Undeveloped Zones	7 am - 6 pm	Monday-Friday

- a. No operations are allowed at night, on Sunday or on the following holidays: Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas.
- b. In the case of emergency requests for sand or gravel from public safety officials, the above hours may be waived.
- c. The Planning Board may impose more restrictive operating hours at its discretion if warranted by site conditions, or if the operation unreasonably interferes with existing adjacent land uses.

ARTICLE V - PERFORMANCE STANDARDS

Sect. 2 Performance Standards (continued)

16. Fencing and Security. Fencing around dangerous excavations, pits, and pond areas shall be required at the Planning Board's discretion, to maintain public safety. Access to the mineral extraction operation shall be strictly controlled with locking gates at the entrance of access roads. When the pit is not being operated, all vehicular entrances shall be made impassable.

17. Signs and Lighting. Signs and lighting must comply with the standards of the Hancock Environmental Control Ordinance and other applicable town ordinances. Lighting on the premises shall be shielded in such a manner as to prevent glare from extending beyond the lot lines.

18. Preservation of Natural and Historic Features. The scenic, historic or environmentally sensitive areas or any areas identified in the Comprehensive Plan or by the Maine Natural Areas Program as rare and irreplaceable areas shall be preserved.

19. Property Values.

Adequate provision has been made to prevent any undue adverse effect upon the property values of adjacent or nearby properties.

20. Financial Capacity, Technical Ability and Performance Record.

The performance record to be reviewed must include any prior violation, suspension, or revocation of an approval issued under this ordinance, or similar approval or permit issued by any other agency of government, and any other environmental enforcement history. Any condition of approval related to an unsatisfactory performance record must be specifically intended to mitigate performance concerns.

ARTICLE VI - PERFORMANCE GUARANTEES

Sect. 1 Types and Contents of Guarantees

Accompanying application for Final Plan of new or expansion of existing MEOs, one of the following performance guarantees must be submitted for an amount adequate to cover the total cost of all required reclamation. It should contain the reclamation schedule, with date after which the approved operator/owner will be in default, with estimates for each plan of reclamation, including inspection costs. The amount shall be determined by the Board of Selectmen after consultation with the Planning Board, Road Commissioner, Town Attorney, and/or other appropriate consultants.

A. Escrow Account

A certified check, savings account, or CD, for which the municipality must be named as sole owner, and who may withdraw funds only when the reclamation does not follow the agreed-upon plan. In addition, the principal and any earned interest shall be returned to the operator when the reclamation is completed, unless the municipality has found it necessary to draw on the account. In the latter case, the residual from the account, if any, and its earned interest, will be returned to the developer proportionately.

B. Performance Bond

A bond, payable to the Town, issued by a surety company approved by the Board of Selectmen, with details of its condition, and with methods of release for the specific project clearly delineated.

C. Letter of Credit

A letter of credit from a financial institution approved by the Board of Selectmen. This credit must be irrevocable, and be sufficient to handle reclamation of the specific project, and from which the Town may draw if reclamation does not follow the agreed-upon plan.

Sect. 2 Phased Guarantees

The Board may approve Phased Performance Guarantees when an MEO is approved in separate distinct phases.

Sect. 3 Release of Guarantees

Prior to release of any part of the Performance Guarantee, the Board of Selectmen shall determine, after consultation with a certified engineer or other consultant(s), that the reclamation meets the requirements of that portion of the project requested.

Sect. 4 Default

If, upon inspection by the CEO, or his/her designee, it is determined that the reclamation has not followed the previously approved plan, he/she shall so report to the Board of Selectmen, Planning Board, and approved operator/owner. The approved operator/owner shall have thirty (30) days, unless otherwise notified, to remedy any deficiencies.

ARTICLE VII - MISCELLANEOUS

Sect. 1 Costs

The applicant shall be required to bear full costs of all inspection, consultants, and all enforcement.

Sect. 2 Professional Review

A. Additional Studies

The Planning Board may require the applicant to undertake any additional studies which it deems reasonable and necessary to ensure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.

B. Independent Technical Review

The Planning Board may require that an independent consultant(s) review one (1) or more submissions of an application. The independent consultant(s) shall report to the Planning Board as to the project's compliance or noncompliance with the applicable provisions of this Ordinance and recommend, if appropriate, those actions which will result in compliance. Such consultants shall be fully qualified to provide the required information, and may include but are not limited to:

1. An Attorney;
 2. A Community Planner;
 3. A Registered Professional Engineer;
 4. A Registered Architect;
 5. A Registered Landscape Architect;
 6. A Registered Geologist;
 7. A Licensed Soil Scientist;
 8. A Registered Land Surveyor;
 9. A Certified General Real Property Appraiser; or
 10. Any other Registered/Licensed Professional or independent Expert Witness deemed fully qualified and mutually acceptable to the Town and the applicant.
- The consultant(s) selected shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost in accordance with Article IV, Sect. 5, A.1. Technical Review Fee.

Sect. 3 Amendment after Approval

No modifications shall be made in an approved Final Plan unless they have been resubmitted to and approved by the Planning Board. The intensity of the review will be determined by the Board, and depends upon the complexity of the proposed alteration.

Sect. 4 Enforcement

- A. Enforcement procedures and legal action will be in conformity with those of the Hancock Environmental Control Ordinance, Section 10.A.1.,2.,3., and B.
- B. If, at any time, it is ascertained that a violation of this Ordinance constitutes a danger to the health, safety, or welfare of any person, property or environment of the Town of Hancock, the town may initiate immediate proceedings to abate or correct such violation.

ARTICLE VII – MISCELLANEOUS (continued)

Sect. 5 Right of Entry Onto Land

The CEO shall have the right of entry onto any mineral extraction activity site at reasonable times and after reasonable notice. If the operator, or its employee or agent, interferes with an inspection by the CEO, it shall be a violation of the Ordinance and the CEO may seek an administrative search warrant pursuant to court rule 80E, and the operator shall pay the town a civil penalty in an amount determined by the Board of Selectmen plus any legal fees incurred in obtaining that warrant.

Sect. 6 Penalties

Any person, firm, corporation, or other entity being the owner, or having control or responsibility for any MEO, who violates the terms or conditions of any MEO approval, approved by the Planning Board, or who proceeds without approval, shall be deemed a nuisance, and shall be subject to a civil penalty, expert witness fees, costs of court, and legal fees due and payable to the Town of Hancock, in an amount determined by the court in accordance with the penalty provisions of 30-A M.R.S.A. Section 4452.

Sect. 7 Appeals and Variances

A. Administrative Appeals and Variances

Variances from the requirements of this Mineral Extraction Ordinance may only be granted by the Hancock Board of Appeals. All administrative appeals and variances shall follow the procedure outlined in section 11.B.1. and 11.B.2. of the Environmental Control Ordinance.

B. Appeal to Superior Court

Any aggrieved party having proper standing may appeal any decision of the Appeals Board under this Ordinance to the Superior Court of Hancock County, within 45 days of a written decision in accordance with Maine State Law.

ARTICLE VIII - SEVERABILITY AND CONFLICT

Sect. 1 Severability

Should any section of this Ordinance be declared, by court of competent jurisdiction, to be invalid for any reason, such decision shall not invalidate any other section or provision of this Ordinance.

Sect. 2 Conflict with other Ordinances

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance, that imposing the most restrictive or higher standard shall govern.

ARTICLE IX - AMENDMENT OF THIS ORDINANCE

Sect. 1 Initiation of Amendment

A proposal to amend this Ordinance may be initiated by:

- A. The Planning Board, by majority vote;
- B. The Board of Selectmen, through a request to the Planning Board; or
- C. The public, through a written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10. When an amendment to this Ordinance is proposed by other than the municipal officers or Planning Board, a fee as the same may be established from time to time by the Board of Selectmen after notice and hearing, shall accompany the proposal to cover the cost of review, hearings, and advertisements. This fee is non-refundable.

Sect. 2 Process of Adoption

The process to be followed in adopting an amendment to this Ordinance is as follows:

- A. Proposed amendments must first be submitted to the Planning Board for consideration;
- B. The Planning Board shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a public hearing on the proposed amendment;
- C. Notice of the public hearing shall be given as required by State Law;
- D. The Planning Board shall make its official report at a Board of Selectmen meeting occurring within sixty (60) days after the public hearing.
- E. If the Planning Board votes and reports to the Board of Selectmen that the amendment ought not to pass, because in the Board's opinion (i) the amendment is contrary to the Town's Comprehensive Plan, or (ii) it will not act to protect the public health, safety, and general welfare of the citizens of Hancock, its environment, or its wildlife, enactment of that proposed amendment shall require a two-thirds (2/3) vote of the voters present at the town meeting; and
- F. Enactment of a proposed amendment having the approval of the Planning Board shall require only a majority of the voters to enact that amendment.

ARTICLE X - OTHER PROVISIONS

Sect. 1 Public Access to Information

Except as made confidential by law, the Board will make all documents and records available to the public in accordance with the Maine Freedom of Access Law. (Title 1 M.R.S.A. Section 401 et. seq.)

Sect. 2 Adjoining Mineral Extraction Activity Under Common Scheme of Development

Adjoining mineral extraction activity under common scheme of development separated by less than 500 feet of unaffected land shall be required to fulfill all the requirements as established in this Ordinance for the total size of the extraction area, including the adjoining site.

ARTICLE XI - DEFINITIONS

Active Extraction Area: The extraction area including side slopes and adjoining areas with overburden removed, excluding roads, structures, stockpiles, etc. not part of the active mineral extraction operation.

Affected Land: The land area from which the overburden will be or has been removed; land upon which stumps, spoil, or other solid waste will be or has been deposited; and any storage area that will be or has been used in connection with the development, except a natural buffer strip.

Ambient Sound: The existing sounds at a given location coming from all sources, both near and far.

Aquifer: An underground bed or stratum of earth, gravel or porous stone that contains water.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Blasting: The use of explosives to break up or otherwise aid in the extraction or removal of a rock or other consolidated natural formation.

Body of Water: Shall include the following:

- A. Pond or Lake - any inland impoundment, natural or man-made, which collects and stores surface water.
- B. Stream or River - a free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three months during the year.

Borrow Pit: A development undertaken for the primary purpose of excavating sand, gravel, or fill. This does not include an excavation for rock or clay.

Environmentally Sensitive Areas: Wetlands, swamps, wild life habitat areas delineated by the Dept. of Inland Fisheries and Wildlife (IF&W), prime agricultural areas, areas with steep slopes, areas with poorly drained soils, and flood plain areas (subject to a 100 year flood). Also to include Protected Natural Resources.

Expansion of Existing Operation: Excavation operations that exceed the approved area or footprint. For operations less than five (5) acres in surface area as of the effective date of this Ordinance, expansion is defined as an additional 50% or more in surface area. For operations larger than five (5) acres, expansion is defined as an increase of 50% or more surface area or four (4) additional acres, whichever is less.

Ground water: The water beneath the surface of the ground, consisting largely of surface water that has seeped down; the source of water in springs and wells.

ARTICLE XI - DEFINITIONS (continued)

Level of Service: (LOS) is a quantitative or qualitative measure of traffic flow for roadways and intersections. The levels range in six grades: A, B, C, D, E and F. LOS "A" indicates free flow with low traffic density and minimal delays. LOS "F" indicates traffic volumes that exceed capacity with very long delays.

Mineral Extraction Operation (MEO): Any excavation or removal, handling or storage of sand, gravel, borrow, rock, clay, minerals, or topsoil including but not limited to sand or gravel pits, clay pits, borrow pits, quarries, mines, and topsoil mining or removal.

Mineral Extraction Site or Area: All of the land area disturbed or otherwise developed for the extraction, handling, removal, processing, hauling or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavated area.

Natural Buffer Strip: An undisturbed area or belt of land that is covered with trees or other vegetation.

Normal High-Water Line: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Performance Record: The performance record to be reviewed must include any prior violation, suspension, or revocation of an approval issued under this ordinance, or similar approval or permit issued by any other agency of government, and any other environmental enforcement history.

Preblast Survey: "Preblast survey" means documentation, prior to the initiation of blasting, of the condition of buildings, structures, wells or other infrastructures; protected natural resources; historic sites; and unusual natural areas.

Private Water Supply: A surface water supply, a dug well, a spring or a hole drilled, driven or bored into the earth that is used to extract drinking water for human consumption and that is not part of a public water supply.

Processing: Any washing, screening, crushing, mixing of sand, gravel, stone, rock, clay, or topsoil.

Production Blasting: A blasting operation carried out on a regular basis for the purpose of production of material.

Protected Locations: Any location, accessible by foot, on a parcel of land containing a residence or planned residence or approved residential subdivision, house of worship, academic school, college, library, duly licensed hospital, or nursing home near the development site at the time an application is submitted. For complete definition see: MDEP Chapter 375.10.G.16.

ARTICLE XI - DEFINITIONS (continued)

Note: Complete definition spells out what constitutes a “planned” residence: When the owner of the parcel of land has received all applicable building and land use permits and the time under such permits has not expired, same for subdivisions.

Protected Natural Resource: Wetlands, significant wild life habitat, fragile mountain areas, freshwater wetlands, bog, marsh, rivers, streams or brooks, as the terms are defined in applicable state law.

Public Water Supply: Any publicly or privately-owned system of pipes or other constructed conveyances, structures and facilities through which water is obtained for or sold, furnished or distributed to the public for human consumption, if such system has at least 15 service connections or serves at least 25 individuals daily at least 60 days out of the year or bottles water for sale.

Quarry: A place where rock is extracted.

Reclamation: The restoration or continued maintenance of the area of land affected by mining under a reclamation plan. This may include but is not limited to, grading and shaping of the land, the creation of lakes or ponds, the planting of forests, the seeding of grasses, legumes, or crops for harvest, or the enhancement of wildlife and aquatic resources.

Reclamation Plan: A plan, as defined in Article V, Section 2.13., which depicts how the project will be restored, or maintained, after excavation is complete. Such a plan usually includes final grading and revegetation plans, of any given phase.

Road: Public and private owned ways such as alleys, avenues, boulevards, highways, roads, streets, lanes and other rights of way, as well as areas on mineral extraction activity plans designated as rights of way.

Seasonal High-Water Table: That part of the year when the water table is at its highest level.

Setback: The horizontal distance from a lot line or referred location to the nearest part of a structure or activity.

Setback from Water: The horizontal distance from the normal high water mark to the nearest part of a structure or activity.

Significant Wildlife Habitat: Defined under Maine’s Natural Resources Protection Act (NRPA), which is administered by the Maine Department of Environmental Protection (DEP).

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks, raised walkways, handicapped access ramps, and satellite dishes.

ARTICLE XI - DEFINITIONS (continued)

Surface Water: Any water flowing on the surface, either channelized or by sheet flow including, but not limited to, rivers, streams, brooks, ponds, lakes and any swamp, marsh, bog or other contiguous lowland where water is periodically ponded on the surface.

Technical Ability: The ability to design, construct, operate, and maintain the proposed mineral extraction operation in a manner consistent with the Mineral Extraction Ordinance.

Waiver: A relaxation of the terms of the Ordinance where such a waiver would not be contrary to the public interest, where owing to existing conditions or operations, a literal enforcement of this Ordinance would result in an unnecessary or undue hardship, and where the intent of the Ordinance or item being waived can be met in some other appropriate manner, as determined by the Planning Board.

Water Supply: See Private Water Supply and Public Water Supply.

Water Table: The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

ARTICLE XII - FINAL PLAN APPROVAL

Hancock Planning Board - Final Plan Approval

The Hancock Planning Board has reviewed and approved this MEO (*or MEO expansion*) under the Town of Hancock's Mineral Extraction Ordinance including the performance standards approved on _____ and the performance guarantee for reclamation approved by the Hancock Board of Selectmen on _____.

(If conditions add: Following are conditions of approval.)

Dated: _____

Adjust wording to apply to approval, i.e., whether an expansion; if there are conditions, list them before signature lines (Following are conditions of approval:).

Note: 1 polyester film (mylar) and 4 paper copies of the final plan should be presented for signing. Also one (1) digital copy in pdf format for the Town.

MEO, Article IV, Sect. 5 C.2: "...the Board shall sign all five (5) copies of the final site plan. The site plan copies shall be distributed to: a) the applicant, b) the Planning Board, c) the tax assessor, d) the CEO, and e) the Town (mylar for the vault).

NOTE: The following fee schedule is established by the Hancock Board of Selectmen, after notice and hearing.

Mineral Extraction Ordinance Current Fee Schedule, effective 5/18/2016

Mineral Extraction Fees		
Renewal Fees	\$100	Less than 1 acre
	\$200	1-5 acres
	\$300	Over 5-30 acres
	\$600	Over 30 acres
Application Fees	\$100	Less than 1 acre
	\$250	1-5 acres
	\$500	Over 5-30 Acres
	\$1000	Over 30 acres
Expansion Fees	\$300	Under 5 acres
	\$500	Over 5 acres
Technical Review Fee	\$1000	<i>Effective 6/7/2017</i>

Also, from Article IV, Sect. 5 Application Procedures:

At the expense of the applicant the Planning Board shall:

1. Advertise a Public Hearing seven (7) days in advance in a local newspaper, and post notices in appropriate places.
2. Notify by mail at least ten (10) days in advance of Public Hearing, all owners of property, listed on town tax maps, within a minimum of 1,000 feet of the boundary of the property for which application is being made at the discretion of the Planning Board.
3. Notify by mail at least 10 (ten) days in advance of Public Hearing, Ellsworth and Lamoine Planning Boards if the application is in the Aquifer Protection Overlay Zone.

Revised
**MOBILE HOME PARK
ORDINANCE**

Hancock, Maine

Enacted May 9, 2005

Repealed Ordinance
Enacted March 9, 1987
Amended May 13, 1991
Amended May 10, 2004
Repealed May 9, 2005

MOBILE HOME PARK ORDINANCE OF THE TOWN OF HANCOCK, MAINE

ARTICLE I – Definitions

In accordance with Title 30-A, MRSA Section 4358-1, and for the purpose of this Ordinance, the following words and phrases shall, unless the context otherwise indicates, have the following meanings.

1. **Mobile Home** hereinafter referred to as “Manufactured Housing,” means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two (2) types of manufactured housing are included:
 - a) Those units constructed after June 15, 1976, commonly called “newer mobile homes,” which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are fourteen (14) body feet or more in width and are seven hundred and fifty (750) or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air-conditioning or electrical systems contained in the unit. This term also includes any structure that meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing and Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and
 - b) Those units commonly called “modular homes,” that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.
2. **Mobile Home Park** shall mean a parcel of land under unified ownership approved by the municipality for the placement of three (3) or more manufactured homes, which are owned either by the owner of the land or others.
3. **Mobile Home Park Lot** shall mean the land on which an individual home and any appurtenant structures or additions, is situated within a mobile home park and which is reserved for use by the occupants of that home. Such lots shall be designated on the plan for a mobile home park.
4. **Mobile Home Subdivision or Development** means a parcel of land approved by the Planning Board under Section 4401 of Title 30-A MRSA, for the placement of manufactured homes on individually owned lots. All Mobile Home Parks shall be reviewed under the Town of Hancock Subdivision Ordinance.

5. **Mobile Home Pad** shall mean that area, or “permanent foundation,” upon which the home rests directly within the site or space. “Permanent Foundation” means:
 - (a) For “newer mobile homes,” as defined in paragraph 1., subparagraph (a), a foundation that conforms to the installation standards established by the Manufactured Housing Board; or
 - (b) For “modular homes,” as defined in paragraph 1., subparagraph (b), a foundation that conforms to the municipal building code or, in the absence of a municipal building code, a foundation that conforms to the Building Officials and Code Administrators National Code (1990), as amended.
6. **Construction Permit** shall mean a written permit issued by the Code Enforcement Officer permitting construction or alteration of a mobile home park.
7. **License** shall mean a written authorization issued by the Town Clerk allowing operation of a mobile home park.
8. **Pitched, shingled roof** means a roof with a pitch of two (2) or more vertical units for every twelve (12) horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.
9. **Shall** means that which is required, mandatory, the only acceptable method under this Ordinance.
10. **Should** means a term used to reflect the more preferable procedure, yet providing for the use of effective alternatives.
11. **Person** shall be construed to include an individual person, partnership, firm, company, corporation, owner, lessor, lessee or their agents.

ARTICLE II – Permits

1. It shall be unlawful for any person to construct or alter a mobile home park as defined in this Ordinance unless such person shall first have obtained a Construction Permit from the Code Enforcement Officer as hereinafter provided. It shall also be unlawful for any person to operate a mobile home park as defined by this Ordinance unless such person shall first have obtained a License from the Town Clerk as hereinafter provided.
2. An application for a mobile home park Construction Permit shall be filed with the Code Enforcement Officer. Such application shall be in writing and signed by the applicant and shall contain the following, when applicable:
 - (a) Plans prepared by an engineer or land surveyor registered in the State of Maine which include the following information:
 - (1) Name and address of applicant;
 - (2) Name or title of mobile home park;
 - (3) Area and dimensions of the tract of land;

- (4) Scale, date, direction of magnetic north;
- (5) Location, ground floor area and elevation of existing and proposed buildings and other structures, including use thereof;
- (6) Number, size and location of all mobile home sites;
- (7) Name(s) of abutting owners;
- (8) Name, location, width, profile, radius of all curves of all existing and proposed streets, roads or other rights-of-way;
- (9) Location and arrangement of proposed off-street parking and load-areas and their appurtenant drives and maneuvering areas;
- (10) Location of features, natural and man-made, affecting the park such as water bodies, streams, swamps, wooded area, railroads, ditches, buildings, etc.;
- (11) Location of water lines, sewer lines, etc.;
- (12) Kind, location and profile of all existing and proposed drainage;
- (13) Location and proposed uses of area proposed for outdoor recreation;
- (14) Contour lines at intervals of twenty (20) feet or less of existing grades for areas proposed to be excavated or filled;
- (15) Location of existing and proposed pedestrian walkways;
- (16) Location of existing natural drain ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc.;
- (17) Location of existing and proposed fences, hedges, etc.

(b) An on-site soils investigation by a Department of Human Services licensed site evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical sub-surface disposal system for the site.

(c) Evidence that the Maine Department of Human Services, Division of Health Engineering, has been provided with copies of the plan and all other submittals.

3. The applicant shall pay to the Town Clerk a non-refundable application fee as the same may be established from time to time by the Board of Selectmen, after notice and hearing. The fee shall reflect the reasonable cost of processing, review, regulation and supervision of the application including advertising fees and all notices of public hearings, as well as other costs incurred by the Town in processing of said application. (See Fee Schedule) The applicant shall also pay to the Town the fee for the Planning Board's subdivision review of plans for new Mobile Home Parks and for the expansion of existing Mobile Home Parks as provided in the Hancock Subdivision Ordinance.

4. The Code Enforcement Officer, after determining that the provisions of Sections 2 and 3 of this Article have been met, shall:

(a) Notify the Local Plumbing Inspector, Town Health Officer, Chief of Police and Chief of the Fire Department for the Town of such application and request each of these officials to make a recommendation in writing, within fourteen (14) days of date of notification, to the Planning Board and Town Selectmen as to the feasibility of any such mobile home park with respect to the areas of their responsibilities;

(b) Refer the application to the Town Planning Board which shall forthwith set the matter for a public hearing to be held after notice of such application has been published in a newspaper of general circulation and after persons whose property abuts the proposed mobile home park are notified in writing of the time, date and place of the public hearing. The Planning Board within thirty (30) days after such hearing shall make its written recommendations to the Town Selectmen, which written recommendation shall include the Planning Board's determination of the following:

- (1) Whether the proposed mobile home park is in a location suitable for such park as determined with reference to the Comprehensive Plan and Environmental Control Ordinance of Hancock;
- (2) Whether the street and road patterns in the proposed park are adequate for use intended and for ingress and egress for the protection of the park inhabitants, their property and the public.
- (3) That the proposed Mobile Home Park or expansion of an existing park has been reviewed as a residential subdivision pursuant to the Town's adopted Subdivision Ordinance and the Subdivision Laws of the State of Maine and whether it has met those laws and been approved by the Planning Board.

5. The Code Enforcement Officer, upon determining that all of the requirements of this Article, as hereinbefore provided, shall have been met, shall refer the application to the Town Selectmen. The Town Selectmen shall thereupon review the recommendations of the Town officials and Planning Board as hereinbefore provided and make their determination whether the proposed mobile home park meets the requirements of this Ordinance and all other ordinances of the Town of Hancock and shall thereafter, based upon this determination, grant or withhold final approval of the said application and if approved cause the Code Enforcement Officer to issue a Construction Permit for the construction of said mobile home park. Upon issuance of a Construction Permit, the Code Enforcement Officer shall make a routine inspection.

The Town Selectmen or Planning Board may request the applicant to provide any studies deemed necessary or advisable to protect and assure the health, safety and welfare of persons affected by the mobile home park, including future occupants of the same. The costs of studies shall be at the applicant's expense.

If the Construction Permit has been issued, the applicant shall be deemed to have met the requirements of this Ordinance to the extent necessary to meet the requirements of the Town of Hancock's Environmental Control Ordinance.

6. The applicant thereafter shall notify the Code Enforcement Officer of the completion of said park under the Construction Permit and request a License. The Code Enforcement Officer shall forthwith inspect the mobile home park and make a determination in writing to be forwarded to the Town Selectmen as to whether or not the completed park meets the requirements of this Ordinance and other Town Ordinances and whether said mobile home park, as constructed, complies with application for same.

7. Upon receipt of the determination as requested in Section 6, the Town Selectmen shall determine whether or not a License shall be issued and upon a favorable final determination, shall authorize the Town Clerk to issue said License to the applicant for the proposed mobile home park.
8. In addition to the License provided for above, the owner or owners of a mobile home park shall annually, on May 1st, apply for a License from the Town Clerk to continue to operate a mobile home park and before issuing said License, the Town Clerk shall refer the application to the Town Health Officer, Fire Chief and Code Enforcement Officer for their approvals. In the event that any of said officials should fail to issue an approval, he/she must state reasons for same in writing to the Town Clerk who shall also refuse to grant said License. Failure on the part of any of said officials to grant or deny approval of License within thirty (30) days of the application being filed with the Town Clerk shall constitute renewal of the License. The applicant may, within ten (10) days of a denial, appeal to the Town Selectmen who shall review said application and either grant or deny it. In granting or denying renewals of a License, said officials, including the Town Selectmen, shall determine whether the mobile home park is being operated pursuant to the provisions of this Ordinance and the laws of the State of Maine applicable thereto.

A fee shall be paid to the Town Clerk with the application for annual renewal of said License. The fee, as the same may be established from time to time by the Board of Selectmen, after notice and hearing, shall reflect the reasonable cost of processing, review, regulation and supervision of the renewal. (see Fee Schedule)

9. No mobile home park existing at the time of the effective date of this Ordinance shall be altered in any way except in compliance with the provisions of this Ordinance. All mobile home park owners shall apply for an annual renewal of License as mentioned in Section 8 above whether the parks in question are new or existing prior to the effective date of this Ordinance.
10. Any License or Construction Permit authorized by this Ordinance for a mobile home park may be revoked or suspended by the Town Selectmen after notice to the owner thereof and hearing before said Town Selectmen. Said revocation or suspension shall be based upon failure of the owner to comply with the provisions of this Ordinance or any State Statute or Regulation applicable to same and the Town Selectmen shall give a written decision setting forth the reasons for revocation or suspension.
11. No manufactured home shall be located anywhere in the Town of Hancock without certification of payment of Maine State sales tax.

ARTICLE III – Location, Site and General Layout

1. The minimum lot area for lots served by individual subsurface sewage disposal systems shall be twenty thousand (20,000) square feet and the minimum lot width, one hundred (100) feet. The minimum lot areas for lots served by a central subsurface sewage disposal system shall be twelve thousand (12,000) square feet and the minimum lot width, seventy-five (75) feet.

The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per twenty thousand (20,000) square feet of total park area. All sites or spaces shall abut a park street or road.

Off-road parking shall be adequate for two (2) vehicles per site or space.

Sites or spaces shall be clearly defined and manufactured homes shall be parked on such sites or spaces so that there will be a minimum of thirty (30) feet between the lived-in portion of said manufactured homes and so that the lived-in portion of no manufactured home will be less than twenty-five (25) feet from the exterior boundary line of the mobile home park.

Lots within the Shoreland zoning district shall meet the lot area, lot width, setback and shore frontage requirements of the district.

2. Setback requirements. The lived-in portion of a manufactured home shall not be located closer than fifteen (15) feet from any park street or road, nor twenty-five (25) feet from any public street or highway right-of-way line.
3. Manufactured home site or space availability required. No manufactured home shall remain in a mobile home park unless placed on a mobile home site or space.
4. Roadways. For fire prevention and protection, every mobile home park shall have access to a public street by directly abutting thereon or by means of a private well-kept road, which shall:
 - (a) Be built according to acceptable engineering standards and with a professional engineer's seal as required by the Manufactured Housing Board;
 - (b) Have a right-of-way up to twenty-three (23) feet in width;
 - (c) Conform to reasonable safety standards applicable to intersections with public ways adjacent to the mobile home park.

The roadways in a mobile home park shall have adequate lighting facilities. Each manufactured home shall have access to such a road. Any dead-end road shall be constructed with a cul-de-sac with a radius of fifty (50) feet. All roads shall be provided with a smooth, hard and dense surface which shall be durable and well-drained under normal use and weather conditions. Roads shall be maintained by the licensee.

ARTICLE IV – Sanitation

1. Water Supply Requirements. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park, capable of furnishing a minimum of one hundred fifty (150) gallons per day per manufactured home site or space.
2. Sewage Disposal. Mobile home parks shall be served by a private disposal system which has been approved by the Department of Human Services of the State of Maine and the Local Plumbing

Inspector. Each manufactured home site or space shall be provided with a satisfactory sewer connection.

3. Refuse and Garbage Disposal. The storage, collection and disposal of refuse in the park shall not create health hazards, rodent harborage, insect breeding area, accident hazards or air pollution. All refuse and garbage shall be stored in flytight, watertight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Satisfactory container racks or holders shall be provided by the mobile home park owner or operator and shall be located not more than one hundred fifty (150) feet from any manufactured home site or space. There shall be regularly scheduled collection of all refuse and garbage.

ARTICLE V – Electricity

The park electrical system or electrical equipment shall comply with applicable state standards and regulations.

ARTICLE VI – Fire Protection

1. The Fire Chief and Police Chief will provide a review of the plans concerning access for emergency equipment to mobile home parks.
2. Manufactured home and service buildings shall be placed so that fire equipment can approach within one hundred (100) feet.

ARTICLE VII – Register

The owner or operator of every mobile home park shall maintain a register in which shall be written the true name of every occupant renting a manufactured home site or space. The owner or operator shall write opposite each name the space or site assigned to the occupant. The foregoing information shall be made available to any agent of the Department of Human Services, the representative of any law enforcement agency or any authorized person inspecting the park.

Every owner or operator of a mobile home park shall notify the local Health Office immediately of any suspected communicable diseases within the park.

ARTICLE VIII – Penalties

Any person who violates any provisions of this Ordinance upon conviction shall be guilty of a civil violation subject to a minimum fine of \$100.00 and up to a maximum fine of \$2,500 for each violation as provided in 30-A MRSA Section 4452, as amended. Each day that a violation occurs may be deemed to constitute a separate offense. In addition, any such person found to have violated this Ordinance shall reimburse the Town for its reasonable attorney fees, expert witness fees, and costs.

Mobile Home Park Fee Schedule

Renewal Fees	\$50.00	1-10 Sites
	\$75.00	11-20 Sites
	\$100.00	21-40 Sites
	\$125.00	Over 41 Sites

SUBDIVISION ORDINANCE

Hancock, Maine

May 08, 1995

Amended May 13, 1996

Amended May 11, 1998

Amended May 05, 1999

Amended May 10, 2004

Amended May 08, 2006

Amended December 02, 2009

Amended May 10, 2010

Amended May 14, 2012

Amended May 14, 2013



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SECTION I: GENERAL PROVISIONS

A. TITLE

This Ordinance shall be known and be cited as the “Subdivision Ordinance of the Town of Hancock, Maine,” and will be referred to herein as the “Ordinance.”

B. AUTHORITY

This Ordinance is enacted under the authority granted to the Town by the statutes of the State of Maine and in accordance with the provisions of Title 30-A, MRSA, Section 4403, as amended.

C. APPLICABILITY

The provisions of this Ordinance shall apply to subdivisions as defined by this Ordinance and by Title 30-A, MRSA, Section 4401, as amended. The current statute is reproduced in part below.

“...Subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. ...”

“...A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by the transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor in any transfer or gift within this paragraph is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this subsection. ...”

D. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the more restrictive requirements shall govern.

E. SUPERSEDURE

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, but only to the extent of such conflict. The Subdivision Ordinance in effect at the time that this Subdivision Ordinance is enacted is hereby repealed. Provided, however, that all lawfully adopted Ordinances or parts thereof shall remain in full force and effect with respect to any violation thereof in existence at the time of adoption of this Ordinance, and provided further that any such violation shall be deemed a violation of this Ordinance and subject to its terms and provisions.

F. SEPARABILITY

In event that any section, subsection or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. AMENDMENTS

The procedure to be followed in initiating and securing amendments to this Ordinance is as follows:

1. INITIATION

A proposal to amend this Ordinance may be initiated by:

- a. The Planning Board, by majority vote;
- b. The Select Board, through a request to the Planning Board; or
- c. The Public, through a written petition signed by at least twenty-five (25) residents registered to vote in the Town of Hancock.
- d. When an amendment is proposed by other than the municipal officers or Planning Board, a fee of one hundred dollars (\$100) shall accompany the proposal to cover the cost of review, hearings, and advertisements. This fee is non-refundable.

2. PROCESS OF ADOPTION

The process to be followed in adopting an amendment to this Ordinance is as follows:

- a. Proposed amendments must first be submitted to the Planning Board for their consideration.
- b. The Planning Board shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a public hearing on the proposed amendment.
- c. Notice of the public hearing shall be given pursuant to the provisions of Section III.H of this Ordinance.
- d. The Planning Board shall make its official report at the next Town Meeting following the public hearing.
- e. Enactment of a proposed amendment that does not have the support of the majority of the Planning Board shall require a two thirds (2/3) vote of the voters voting at the Town Meeting.
- f. Amendments having the approval of the Planning Board shall require only a majority of the voters to enact that amendment.

H. EFFECTIVE DATE

The provisions of this Ordinance shall become effective the day of their enactment.

SECTION II: PURPOSES

The purposes of this Ordinance are as follows:

A. PROTECT GENERAL WELFARE

To assure the comfort, convenience, safety, health and welfare of the citizens of Hancock;

B. PROTECT ENVIRONMENT

To protect the natural resources from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

C. PROMOTE COMMUNITY DEVELOPMENT

To promote the development of an economically sound and stable community;

D. BALANCE PROPERTY RIGHTS

To protect property rights and values by balancing the rights of landowners to use their land for the purposes regulated by this Ordinance with the corresponding rights of abutting and neighboring landowners to enjoy their property without undue disturbance;

E. REDUCE FISCAL IMPACT

To provide the means for evaluating subdivision proposals for their fiscal impact on the municipality's ability to provide and improve necessary public facilities and services;

F. ESTABLISH PROCEDURES AND STANDARDS

To establish procedures whereby the Town Officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; and to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments may affect them.

SECTION III: ADMINISTRATION

A. ADMINISTERING BODY

The Planning Board of the Town of Hancock, hereinafter called the Board, shall administer this Ordinance.

B. APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall engage in any activity requiring a permit under this Ordinance without first obtaining the approval of the Board.

C. APPLICATION REQUIRED

Applications for approval shall be submitted in writing to the Board, on forms provided by it. The Board may require the submission of whatever additional information is necessary to determine compliance with the provisions of this Ordinance.

D. PERMITS TO BE APPLIED FOR BEFORE APPROVAL

Applications for approval under this Ordinance will not be considered complete for processing until evidence that all other required local, state, and federal permits have been acquired, has been provided to the Board.

E. COMMENCEMENT AND COMPLETION OF WORK

Construction activities on subdivisions for which approval has been granted under this Ordinance shall commence within six (6) months of the date of approval and shall be completed within eighteen (18) months.

Construction activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the prior approval issued under this Ordinance shall be considered void, unless an extension has been granted by the Board.

Construction activities may be extended for up to twelve (12) months at a time by the Planning Board upon a showing of good cause where a written request setting forth the reasons for the extension is submitted not later than (30) days prior to the pending commencement or completion date.

F. CERTIFICATE OF CONSTRUCTION REQUIRED

No land in a subdivision requiring approval under this Ordinance shall be conveyed, rented, leased, or occupied without a certificate of construction issued by the Code Enforcement Officer indicating that all of the required public improvements have been constructed as required.

G. CONDITIONS OF APPROVAL

The Board may in approving applications attach such reasonable and appropriate terms and conditions, in addition to those required elsewhere in this Ordinance. Refer to Section XVIII. Such terms and conditions may include, but are not limited to, specifications for:

1. Specific sewage or other waste disposal facilities;
2. Specific water supply facilities;
3. Landscaping and planting screens;

4. Sureties and bonds;
5. Restrictive covenants;
6. Location of piers, docks, parking areas and signs; and
7. Any other term or condition of approval necessary to fulfill the purposes of this Ordinance.

Violation of any of these terms or conditions shall be considered a violation of this Ordinance.

H. PUBLIC HEARINGS

In scheduling public hearings under this Ordinance, the Board shall notify the Applicant at least twenty (20) days in advance of the date, time and place of the hearing. The Board shall publish notice of the hearing at least seven (7) days in advance in a newspaper of general circulation in the area at least two (2) times and shall post such notice in at least two (2) conspicuous public places. The first notice shall appear at least seven (7) days in advance of the hearing.

At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. The applicant's case shall be presented first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairperson of the Board.

Whenever a public hearing is held pursuant to this Ordinance, the matters in that hearing may be carried over until the next regularly or specially scheduled meeting of the Planning Board for further public hearing without affecting any decisional deadline applicable to the Planning Board.

Ten (10) days after the public hearing, the administrative record shall close. Within thirty (30) days of the public hearing, the Board shall reach a decision on the proposed subdivision plan and shall inform the applicant and the Select Board in writing within ten (10) days of its decision stating its reasons. The Board shall prepare detailed, written findings of fact, as well as its conclusions and the reasons or basis thereof. These findings shall not be based on feelings or unsubstantiated allegations, but upon all reasonable and admissible evidence that is submitted prior to the closing of the record.

SECTION IV: CRITERIA OF APPROVAL

In approving applications submitted pursuant to this Ordinance, the Board shall find that the following requirements are met as designated under the Planning and Land Use Laws, Statutes of the State of Maine in accordance with the provisions of Title 30-A, MRSA, Section 4404, as amended.

1. POLLUTION

The proposed subdivision will not result in undue water or air pollution.

In making this determination, the Board shall at least consider:

- A. The elevation of the land above sea level and its relation to the flood plains;
- B. The nature of soils and subsoils and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations.

2. SUFFICIENT WATER SUPPLY

The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

3. MUNICIPAL WATER SUPPLY

The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

4. EROSION

The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

5. TRAFFIC

The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, M.R.S.A. section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23 M.R.S.A., section 704 and rules adopted under that section;

6. SEWAGE DISPOSAL

The proposed subdivision will provide for adequate sewage disposal and will not cause an unreasonable burden on municipal services if they are utilized;

7. MUNICIPAL SOLID WASTE DISPOSAL

The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

8. AESTHETIC, CULTURAL AND NATURAL VALUES

The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

9. CONFORMITY WITH LOCAL ORDINANCES AND PLANS

The proposed subdivision conforms with this Subdivision Ordinance and any duly adopted comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;

10. FINANCIAL AND TECHNICAL CAPACITY

The subdivider has adequate financial and technical capacity to meet the standards of this section;

11. SURFACE WATERS

Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter 1, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water;

12. GROUND WATER

The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

13. FLOOD AREAS

If the subdivision, or any part of it, is in a flood-prone area based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by applicant, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

14. FRESHWATER WETLANDS

All potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

14-A. FARMLAND

All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.

15. RIVER, STREAM OR BROOK

Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9.

16. STORM WATER

The proposed subdivision will provide for adequate storm water management.

17. SPAGHETTI-LOTS PROHIBITED

If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

18. IMPACT ON ADJOINING MUNICIPALITY

For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

19. LANDS SUBJECT TO LIQUIDATION HARVESTING

Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14.

20. STATE SUBDIVISION LAW CRITERIA

In addition to the criteria above, the Board shall find that the proposed subdivision meets any additional criteria added by the Legislature to title 30-A, MRSA, Section 4404, from time to time.

21. WRITTEN FINDINGS OF FACT REQUIRED

In approving subdivisions under this Ordinance, the Board shall consider the criteria above; and before granting approval, shall make written findings of fact that the provisions of this Ordinance have been met.

22. BURDEN OF PROOF

In all instances the burden of proof of compliance with the above criteria shall be upon the person proposing the subdivision.

SECTION V: ADMINISTRATIVE PROCEDURES

A. AGENDA REQUIRED

In order to provide an orderly process for reviewing applications, an agenda shall be prepared in advance of each regularly scheduled Planning Board meeting.

B. AGENDA MAY BE LIMITED

The Planning Board, in order to conduct a thorough review of applications submitted to it, may limit such review to one subdivision application per regularly scheduled meeting.

SECTION VI: PRE-APPLICATION CONFERENCE/SKETCH PLAN REVIEW

A. GENERAL

All applicants shall meet with the Planning Board prior to the formal submission of a subdivision plan to generally discuss their proposed subdivision and to obtain guidance from the Planning Board in the development of the plan.

B. PROCEDURE

The procedure for Sketch Plan Review are as follows:

STEP 1: ADVANCE REQUEST TO BE PLACED ON AGENDA REQUIRED

The applicant shall request, through the Town Clerk, to be placed on the Planning Board's agenda, for a pre-application conference, at least thirty (30) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

STEP 2: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS

The Chair of the Planning Board or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet as specified in subsection C. of this section.

STEP 3: PLANNING BOARD REVIEWS SKETCH PLAN AND EXHIBITS

At the pre-application meeting, the Planning Board shall review the Sketch Plan and accompanying exhibits with the applicant, answer the applicant's questions, and make specific suggestions to be incorporated by the applicant in subsequent submissions.

STEP 4: CLASSIFICATION OF SUBDIVISION

At the pre-application meeting, the Planning Board shall classify the proposed subdivision as either a minor or major subdivision and so notify the applicant in writing. (See Section XXVI: Definitions)

STEP 5: ON-SITE INSPECTION DATE SET

At the pre-application meeting, the Planning Board shall schedule an on-site inspection of the tract or parcel to be subdivided and shall notify the applicant of the time and date in writing.

C. SUBMISSION PACKET

The submission packet required for Sketch Plan Review shall include the following:

1. SKETCH PLAN

A Sketch Plan, showing the information specified in subsection C.1.d. below, shall be submitted to the Planning Board.

a. NUMBER OF COPIES:

Ten (10) paper copies of the Sketch Plan shall be submitted.

b. **SHEET SIZE:**

The Sketch Plan shall be at least 8 ½ x 11 inches, but no larger than 24 x 36 inches in size.

c. **PLAN SCALE:**

The Sketch Plan shall be drawn to scale.

d. **INFORMATION TO BE SHOWN ON THE PLAN:**

The following information shall be shown on all Sketch Plans:

- 1) The outline of the tract or parcel to be subdivided, with known or, if not known, estimated perimeter dimensions and area;
- 2) True North arrow;
- 3) The scale to which the plan is drawn;
- 4) The proposed layout of lots, roads, driveways, and building locations;
- 5) Identification of general areas of slopes fifteen percent (15%) or greater, areas of exposed ledge, wetlands, streams and floodplains;
- 6) Location of public utilities proposed to be utilized;
- 7) Location, dimensions, and terms of any existing easements, rights-of-way, and/or deed restrictions encumbering the property;
- 8) The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided; and
- 9) The present zoning classification of the parcel.

2. **EXHIBITS TO ACCOMPANY SKETCH PLAN**

Exhibits 1, 2, 3, and 4 of paragraph C.1.d., above shall accompany the Sketch Plan and be submitted with the Sketch Plan to the Town Clerk when requesting a Pre-application Conference.

3. **ADMINISTRATIVE FEE**

An administrative fee for Pre-Application Conference/Sketch Plan Review shall be submitted as specified in Section XIII of this Ordinance.

D. ON SITE INSPECTION

The on-site inspection shall be jointly attended by the applicant or his/her duly authorized agent and by at least one member of the Planning Board or an individual appointed by the Chairperson of the Planning Board to act as the Board's authorized representative for such inspection.

After the on-site inspection, the Planning Board shall determine the contour levels for subsequent submissions and shall notify the application in writing of the required contour interval.

E. RIGHTS NOT VESTED

The submittal or review of the pre-application sketch plan shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, M.R.S.A., Section 302, as amended.

SECTION VII: SUBDIVISION REVIEW PROCESS: MINOR SUBDIVISIONS

A. MINOR SUBDIVISION MAY HAVE TO COMPLY WITH MAJOR SUBDIVISION REQUIREMENTS

The Planning Board may require, where it deems it necessary for the protection of public health, safety and general welfare, that a Minor Subdivision, which is defined as any subdivision containing not more than four (4) lots or dwelling units, comply with all or any of the procedural and submission requirements of a Major Subdivision.

B. SUBMISSION PACKET

The submission Packet required for Minor Subdivisions shall include the following:

1. APPLICATION AND EXHIBITS

An application and attachments for Planning Board review of Minor Subdivisions shall be submitted as specified in Section X of this Ordinance.

2. FINAL SUBDIVISION PLAN

A Final Subdivision Plan for Planning Board review of Minor Subdivisions shall be submitted as specified in Section XII of this Ordinance.

3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT

An administrative fee and escrow account for Planning Board review of Minor Subdivisions shall be submitted as specified in Section XIII of this Ordinance.

C. PROCEDURE

The procedure for reviewing Minor Subdivision Plans is as follows:

STEP 1: REQUEST FOR FINAL PLAN REVIEW

Within six (6) months after classification of the proposed subdivision as a Minor Subdivision, the Applicant shall request, through the Town Clerk, to be placed on the Planning Board's agenda.

Such a request shall be made at least thirty (30) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within six (6) months of classification may require a new pre-application conference.

STEP 2: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS

The Planning Board Chair or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Minor Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, the applicant shall be issued a Dated Receipt of Application and the application placed on the agenda of the first available scheduled Planning Board meeting.

STEP 3: NOTICE TO ABUTTERS AND ADJACENT MUNICIPALITY

Upon the issuance of a Dated Receipt Of Application, the Secretary of the Planning Board shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Plan and application for a proposed Minor Subdivision has been received, the location of the proposed Minor Subdivision, and give a general description of the proposal.

STEP 4: PLANNING BOARD REVIEW OF PLAN AND APPLICATION

Within thirty (30) days from the receipt of an application, the Planning Board shall review the Plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice of Incomplete Application specifying the additional information expected prior to further action on the application.

If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

A Notice of Complete Application does not constitute the Planning Board's approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until Final plan approval.

Full evaluation of the Final plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

STEP 5: FINAL PLAN PUBLIC HEARING DISCRETIONARY

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board may decide that the proposed Minor Subdivision lacks such complexity that a public hearing is not warranted and not hold a public hearing on the Final Plan of the proposed Minor Subdivision.

Notice of a public hearing shall be given pursuant to the provisions of Section III. H. of this Ordinance, should the Planning Board decide one is necessary.

STEP 6: PLANNING BOARD DECISION ON FINAL PLAN

Within sixty (60) days of the Planning Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing should a public hearing be held, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the Final Plan of the proposed Minor Subdivision.

The Planning Board's failure to grant an approval within the deadlines specified above shall constitute a denial of the application by the Board, unless the applicant waives the specified deadlines.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed Final Plan does or does not meet the criteria in Section IV of this Ordinance.

STEP 7: SIGNATURES

Upon approving the Final Plan, those members of the Planning Board voting for approval shall sign two (2) polyester film (mylar) copies and four (4) paper copies of the approved Subdivision Plan. A digital copy of the final plan shall also be submitted to the Planning Board.

STEP 8: FILING OF APPROVED FINAL PLAN

Planning Board Orders and approved Final Plans for Minor Subdivisions shall be filed in the Hancock County Registry of Deeds as specified in Section IX of this Ordinance.

SECTION VIII: SUBDIVISION REVIEW PROCESS: MAJOR SUBDIVISIONS

A. SUBMISSION PACKET

The submission packet required for Major Subdivisions, which are defined as any subdivision containing more than four (4) lots or dwelling units, shall include the following:

1. APPLICATION AND ATTACHMENTS

An application and attachments for Planning Board Review of Major Subdivisions shall be submitted as specified in Section X of this Ordinance.

2. FINAL SUBDIVISION PLAN

A Final Subdivision Plan for Planning Board Review of Major Subdivisions shall be submitted as specified in Section XII of this Ordinance.

3. ADMINISTRATIVE FEES AND ESCROW ACCOUNT

An administrative fee and escrow account for Planning Board review of Major Subdivisions shall be submitted as specified in Section XIII of this Ordinance.

B. PROCEDURE

The procedure for reviewing Major Subdivision Plans is as follows:

STEP 1: REQUEST FOR REVIEW OF PRELIMINARY PLAN

Within six (6) months after classification of the proposed subdivision as a Major Subdivision, the Applicant shall request, through the Town Clerk, to be placed on the Planning Board's agenda for Major Subdivision Preliminary Plan review.

Such a request shall be made at least thirty (30) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within six (6) months of classification may require a new pre-application conference.

STEP 2: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS

The Planning Board Chair or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for Preliminary Plan review of Major Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, he/she shall return the submissions to the applicant with a Notice Of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, the applicant shall be issued a Dated Receipt Of Application and the application placed on the agenda of the next regularly scheduled Planning Board meeting.

STEP 3: NOTICE TO CEO, ABUTTERS AND ADJACENT MUNICIPALITY

Upon the issuance of a Dated Receipt Of Application, the Secretary of the Planning Board shall notify by mail the CEO, all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a Preliminary Plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give general description of the proposal.

STEP 4: PLANNING BOARD REVIEWS PRELIMINARY PLAN AND APPLICATION

Within thirty (30) days from receipt of an application, the Planning Board shall review the preliminary plan and submissions for completeness.

If the Planning Board determines that the application is not complete, it shall issue the applicant a Notice of Incomplete Application specifying the additional information expected prior to further action on the application.

If the Planning Board determines that the application is complete, it shall issue the applicant a Notice of Complete Application.

A Notice of Complete Application does not constitute the Planning Board's approval of the information submitted. The Planning Board reserves the right to request additional information throughout the review process up to and until final plan approval.

Full evaluation of the preliminary plan shall begin only after the Planning Board has determined that a complete application has been filed. This evaluation may commence at the same meeting at which the determination of completeness has been made.

STEP 5: PRELIMINARY PLAN PUBLIC HEARING

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board shall hold a public hearing on the preliminary plan of the proposed Major Subdivision.

Notice of the public hearing shall be given pursuant to the provisions of Section III.H of this Ordinance.

STEP 6: PLANNING BOARD DECISION ON PRELIMINARY PLAN

Within thirty (30) days of the public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the preliminary plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact that the proposed preliminary plan does or does not meet the criteria in Section II of this Ordinance. The Planning Board is not required to sign a preliminary plan.

STEP 7: REQUEST FOR REVIEW OF FINAL PLAN

Within six (6) months after approval of a preliminary plan for a Major Subdivision, the applicant shall request, through the Town Clerk, to be placed on the Planning Board's agenda for final plan review.

Such a request shall be made at least thirty (30) days prior to the next regularly scheduled meeting at which the applicant wishes to be heard.

Failure to do so within six (6) months of preliminary plan approval shall require that the preliminary plan be re-reviewed as provided in Steps 1 through 6, above.

STEP 8: REVIEW OF SUBMISSION PACKET FOR COMPLETENESS

The Planning Board or designee shall not place an applicant on the agenda until determining that the applicant has presented the submission packet required for final plan review of Major Subdivisions by this Ordinance.

If the Planning Board Chair or designee determines that the submission packet is not complete, the submissions shall be returned to the applicant with a Notice Of Incomplete Submission, specifying the required information found to be missing.

If the Planning Board Chair or designee determines that the submission packet is complete, he/she shall issue the applicant a Dated Receipt of Application and place the applicant on the agenda of the next regularly scheduled Planning Board meeting.

STEP 9: NOTICE TO CEO, ABUTTERS AND ADJACENT MUNICIPALITY OF FINAL PLAN

Upon the issuance of a Dated Receipt Of Application, the Secretary of the Planning Board shall notify by mail all abutting property owners of the proposed subdivision, and the Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision, if the proposed subdivision in fact abuts or is in part within another municipality.

Such notice shall specify that a final plan and application for a proposed Major Subdivision has been received, the location of the proposed Major Subdivision, and give a general description of the proposal.

STEP 10: PLANNING BOARD REVIEWS FINAL PLAN

Within thirty (30) days from receipt of the final plan, the Planning Board shall notify the applicant in writing either that the final plan is complete or, if the final plan is incomplete, the specific additional action needed to make a complete final plan.

STEP 11: FINAL PLAN PUBLIC HEARING

Within thirty (30) days of the Planning Board's determination that a complete application has been submitted, or within such other time limit as may be mutually agreed to by the Planning Board and the applicant, the Planning Board may decide to hold a public hearing on the final plan of the proposed Major Subdivision.

STEP 12: PLANNING BOARD DECISION ON FINAL PLAN

Within sixty (60) days of the Planning Board's determination that a complete application has been submitted, or within thirty (30) days of the public hearing, in the event the Planning Board decides to hold a public hearing, or within such other time limit as may be mutually agreed to by the Planning Board and the Applicant, the Planning Board shall approve, approve with conditions, or disapprove the final plan of the proposed Major Subdivision.

In issuing its decision, the Planning Board shall make written findings of fact and conclusions of law that the proposed final plan does or does not meet the criteria in Section IV of this Ordinance.

STEP 13: SIGNATURES

Upon approving the final plan, those members of the Planning Board voting for approval shall sign two (2) polyester film (mylar) copies and four (4) paper copies of the approved Subdivision Plan. A digital copy of the final plan shall also be submitted to the Planning Board.

STEP 14: FILING OF APPROVED FINAL PLAN

Planning Board Orders and approved final plans for Major Subdivisions shall be filed in the Hancock County Registry of Deeds as specified in Section IX of this Ordinance.

SECTION IX: FILING PROCEDURES FOR APPROVED SUBDIVISIONS

A. FILING OF PLANNING BOARD ORDERS REQUIRED PRIOR TO SIGNING OF AND FILING OF APPROVED FINAL SUBDIVISION PLANS

A copy of the Planning Board's Order regarding any Final Subdivision Plans, including the Board's findings of fact and conclusions and any conditions of approval shall be filed, by the applicant, in the Hancock County Registry of Deeds.

The book and page number of such recording shall appear and be referenced on the approved Final Subdivision Plan prior to the recording of such Plan, as set forth in Section C below.

B. FILING SECURITY DEPOSIT REQUIRED

Prior to the Planning Board's signing of the Final Subdivision Plan, the applicant shall provide the Town with a filing security deposit, in the form of a cashier's check made payable to the Town of Hancock as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. (see Fee Schedule)

C. SIGNING OF APPROVED FINAL SUBDIVISION PLANS

Upon receipt of a copy of the recorded Planning Board Order, stamped by the Hancock County Registry of Deeds, and a filing security deposit, the Planning Board shall enter in ink, in the places provided in the Final Subdivision Plan Approval Block, the book and page and/or file numbers where such Planning Board Order is recorded in the Hancock County Registry of Deeds.

After entering the book and page numbers, those members of the Planning Board voting for approval shall sign, their names in ink in the places provided, on two (2) polyester film (mylar) copies and four (4) paper copies of the approved Final Subdivision Plan. One (1) paper copy is for the Planning Board files and one (1) paper copy is for the Tax Assessor.

D. FILING OF THE SIGNED SUBDIVISION PLAN

The applicant will be given the signed original polyester film (mylar) and two (2) signed paper copies of the Final Subdivision Plan. Within thirty (90) days of the date of Planning Board signatures the applicant shall file the polyester film (mylar) and one (1) paper copy with the Hancock registry of Deeds and be responsible for having the second paper copy stamped and dated by the Registry of Deeds and returned to the Town of Hancock.

E. FAILURE TO FILE AS REQUIRED TO RESULT IN VOIDING OF APPROVAL AND FORFEITURE OF FILING SECURITY DEPOSIT

In the event that the applicant fails to file the approved Final Subdivision Plan within the ninety (90) days provided in Section D above, the Planning Board's approval shall be considered void and the filing security deposit forfeited.

F. RETURN OF FILING SECURITY DEPOSIT

Upon receipt from the applicant, of a copy of the approved Final Subdivision Plan, stamped and dated by the Registry of Deeds, the filing security deposit shall be refunded to the applicant by the Town.

G. FORFEITED DEPOSITS ACCRUE TO THE TOWN

In the event the applicant forfeits his/her filing security deposit, such funds shall accrue to the benefit of the Town.

SECTION X: SUBDIVISION APPLICATION AND ATTACHMENTS

A. APPLICATION FORM

The application form used in the subdivision review process contained in this Ordinance shall be provided by the Town, filled out by the Applicant and shall include the information required below.

B. INFORMATION TO BE SUBMITTED

The following information shall be included in the application forms submitted to the Planning Board with the final plans for all Minor Subdivisions and with the preliminary plans for all Major Subdivisions:

1. INFORMATION REGARDING THE APPLICANT

- a. The name, address, and phone number of the Owner of Record (Applicant).
- b. Information regarding the applicant's right, title, or interest in the parcel proposed to be subdivided.
- c. Information as to whether or not the applicant is a corporation and, if so, whether or not the corporation is licensed to do business in Maine.
- d. The name, address, and phone number of the applicant's authorized agent (if an agent is applying on behalf of applicant).
- e. The name, address, phone number, and registration number of the Land Surveyors, and/or Land Planners employed by the applicant to design the proposed subdivision.
- f. The name, address, and phone number of the individual(s) to whom all communications from the Planning Board should be directed.
- g. Information regarding the applicant's interest in any property abutting the parcel proposed to be divided and that the proposed subdivision plan covers his/her entire, contiguous holdings.

2. INFORMATION REGARDING PARCEL PROPOSED TO BE SUBDIVIDED

- a. The book and page numbers from Registry of Deeds, and a copy of the deed describing the parcel proposed to be subdivided.
- b. The tax map and lot numbers from Tax Assessor's Office describing the parcel proposed to be subdivided.
- c. The existing use of the property proposed to be subdivided.
- d. The total acreage of parcel proposed to be divided.
- e. The present zoning of parcel proposed to be subdivided.
- f. Whether or not the parcel proposed to be subdivided is part of a prior approved subdivision.
- g. Whether or not any part of the parcel proposed to be subdivided is within the Shoreland Zone.
- h. Whether or not there are any freshwater wetlands located in whole or in part on the parcel proposed to be subdivided.
- i. Whether or not there are any significant groundwater aquifers located in whole or in part on the parcel proposed to be subdivided.
- j. Whether or not the parcel proposed to be subdivided is in whole or in part located within an identified special flood hazard area.

- k. Whether or not the parcel proposed to be subdivided has any identified critical natural resources or wildlife habitats located in whole or in part on the parcel proposed to be subdivided.
- l. Documentation of the location of any groundwater contamination risks found on abutting parcels to the proposed subdivision.

3. INFORMATION REGARDING PROPOSED SUBDIVISION

- a. Name of the proposed subdivision.
- b. Type of proposed subdivision. (e.g.: residential, commercial, mobile home, mixed, etc.)
- c. Number of lots and/or units proposed. Refer to the Environmental Control Ordinance, Section 5: Land Use Standards B.7. Dimensional Requirements.
- d. Information regarding proposed methods of disposing of sewage wastes generated by the proposed subdivision.
- e. Information regarding proposed methods of supplying water required by the proposed subdivision.
- f. Information regarding proposed methods of disposing of solid wastes generated by the proposed subdivision.
- g. Information regarding proposed methods of controlling and/or preventing soil erosion and sedimentation resulting from the proposed subdivision.
- h. Information regarding proposed methods of handling changes in storm water and/or surface water drainage patterns resulting from the proposed subdivision.
- i. Information regarding proposed interior subdivision roads.
- j. Information regarding proposed methods of handling traffic volumes projected to be generated by the proposed subdivision.
- k. Estimated dates of starting and completing any proposed construction.
- l. Estimated costs of required and proposed improvements.

C. EXHIBITS TO ACCOMPANY SUBDIVISION APPLICATIONS

In order for the Planning Board to make its required positive findings that the proposed subdivision in fact meets the Criteria of Approval contained in Section IV of this Ordinance, applicants are required to submit clear and sufficient evidence in support of each criteria.

The Planning Board shall from time to time adopt and keep up-to-date specifications of the nature and extent of the evidence it deems necessary to make positive findings with regard to the various criteria of approval.

SECTION XI: SPECIFICATIONS: PRELIMINARY PLANS

A. PRELIMINARY SUBDIVISION PLANS

Preliminary subdivision plans shall be prepared and submitted to the Planning Board, as follows:

1. SHEET SIZE

Preliminary subdivision plans shall be 24 by 36 inches in size, and shall have a margin of two (2) inches outside of the border line on the left side for binding and a one (1) inch margin outside the border along the remaining sides.

2. NUMBER OF COPIES TO BE SUBMITTED

Preliminary subdivision plans shall be submitted in eleven (11) sets of one or more maps or drawings, printed or reproduced on paper, this includes one (1) for the Fire Chief's review. Ten (10) copies of the plan(s) reduced to a size of 8 1/2 x 11 inches shall be submitted. In addition, ten (10) copies of the application and required exhibits shall be submitted with the preliminary plans.

3. PLAN SCALE

Preliminary subdivision plans shall be drawn to a scale of not more than one hundred feet (100') to the inch.

B. INFORMATION TO BE SHOWN ON PRELIMINARY SUBDIVISION PLANS

The following information shall be shown on preliminary subdivision plans:

1. GENERAL INFORMATION

The proposed name of the subdivision, name of the Town, the date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, applicant, and professional or professional firm who prepared the plan.

2. BOUNDARY SURVEY

Survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed professional land surveyor, as being a survey as defined and adopted by the Maine Board of Licensure for Professional Land Surveyors. The type of monument set or found at each parcel corner shall also be shown.

3. CONTOUR LINES

Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level (NGVD).

4. PROPOSED LOT LINES AND LOT NUMBERS

Proposed lot lines with appropriate dimensions in decimals of a foot and lot areas in square feet and proposed lot numbers.

5. EXISTING FOREIGN FEATURES

The location, names, and widths of existing roads, highways, easements, building lines, parks and other open spaces on or adjacent to the proposed subdivision and the location and size of existing sewers, utility poles, water mains, culverts, other underground utilities and drainage ways on or adjacent to the proposed subdivision.

6. EXISTING NATURAL FEATURES

The location and configuration of existing waterbodies, watercourses and wetlands on or immediately adjacent to the parcel, the cover types (open field, open shrub, wooded, etc.), and other significant physical features.

7. NAMES OF ADJACENT PROPERTY OWNERS

The names of the owners of record of all abutting properties, including those of any properties directly across and along any existing public road abutting the proposed subdivision.

8. PROPOSED IMPROVEMENTS

The location, names, and widths of any proposed roads, rights-of-way, easements, building lines, common open spaces associated with the proposed subdivision and the location and size of any proposed sewer lines, sewage disposal areas, water mains, wells, culverts and drainage ways associated with the proposed subdivision.

9. PUBLIC IMPROVEMENTS

The location and width of any existing and proposed roads or other public improvements, within the subdivision, shown on the Official Map and/or the Comprehensive Plan, if any.

10. COMMON AND/OR PUBLIC AREAS AND FACILITIES

Identification of all parcels and facilities proposed to be dedicated for common use and/or public ownership and/or use, and the conditions of such dedication and a description of their proposed improvement and management.

11. FLOOD HAZARD AREA BOUNDRIES

If any portion of the subdivision is in a flood-prone area, the boundaries of such areas and the 100-year flood elevation.

12. EXISTING ZONING

The names and boundaries of any existing local zoning designations applicable to the property proposed to be subdivided.

13. SURVEYOR/PLANNER'S CERTIFICATION AND SEAL

The name, signature, registration number, and seal of the land surveyor who prepared the survey and the architect, engineer, or planning consultant who designed the plan.

SECTION XII: SPECIFICATIONS: FINAL SUBDIVISION PLAN

A. FINAL SUBDIVISION PLANS

Final minor and final major subdivision plans shall be prepared and submitted to the Planning Board, through the Town Clerk, in the same manner as required for preliminary subdivision plans in Section XI.

B. INFORMATION TO BE SHOWN ON FINAL SUBDIVISION PLANS

In addition, the following shall be shown on all final minor and final major subdivision plans:

1. FINAL PLAN APPROVAL BLOCK

An approval block to record the approval of the final plan shall be permanently affixed to final minor and final major subdivision plans and shall read as follows:

APPROVAL BLOCK

This subdivision Plan has been approved with/without conditions by the Hancock Planning Board in accordance with Title 30-A, MRSA, Section 4401, et seq.

Approved lots may be sold or leased only in accordance with all applicable terms and conditions included in and/or attached to the written Order issued by the Planning Board on / / , and recorded in the Hancock County Registry of Deeds in Book _____ on page _____

Signed

Date _____

2. 9-1-1 LOT NUMBERING SYSTEM

Lines or dots in the center of the streets every fifty (50) feet so as to aid in assignment of numbers to structures subsequently constructed.

SECTION XIII: APPLICATION FEES AND TECHNICAL REVIEW ACCOUNT

A. ORDINANCE FEE

The non-refundable fee for each copy of this Ordinance is the cost of reproduction per copy, as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. Copies of the Ordinance will be available for review at the Town Office. (see Fee Schedule)

B. PRE-APPLICATION CONFERENCE/SKETCH PLAN AND APPLICATION PROCESSING FEES

The Pre-Application and Application Processing Fees are required to cover the administrative handling costs associated with subdivision review under this Ordinance.

The non-refundable fee to accompany Pre-Application Conference/Sketch Plan and Preliminary Plan applications of Subdivisions as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. The fee shall reflect the reasonable cost of processing, review, regulation and supervision of the application. (see Fee Schedule)

C. TECHNICAL REVIEW ACCOUNT

In addition to the fees for copies of the Ordinance, Pre-Application Conference/Sketch Plan, and Application Processing Fees, the applicant shall pay a separate fee per lot or dwelling unit as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. (see Fee Schedule) This fee to be deposited in a special account designed for the particular subdivision application, to be used by the Planning Board for hiring independent consulting or legal services to review the application.

This Technical Review Fee shall be paid prior to the start of the Planning Board's review of the Final Plan of a Minor Subdivision or the Preliminary Plan of a Major Subdivision.

This fee shall be paid to the Town of Hancock and the purpose of the fee shall be clearly indicated on the receipt for same. The town shall deposit this fee in a special bank account which is separate and distinct from all other Planning Board and Town accounts.

If the balance in this account is drawn down by 50% or more, the Board shall notify the applicant, and require that an additional fee per lot or dwelling unit be deposited by the applicant as the same may be established from time to time by the Board of Selectpersons, after notice and hearing. (see Fee Schedule) The Board shall continue to notify the applicant and require an additional fee per lot or dwelling unit as set by the Board of Selectpersons to be deposited as necessary whenever the balance of the account is drawn down by 50% of the original deposit.

Any Balance in the account remaining, after the approval of the subdivision, shall be returned to the applicant.

SECTION XIV: REVISION OF APPROVED PLANS AND TRANSFERS OF APPROVAL

A. REVISION OF APPROVED SUBDIVISION PLANS

Any application for subdivision approval which constitutes a revision or amendment to a final subdivision plan, which has been previously approved, shall indicate that fact on the application and shall identify the original subdivision being revised or amended.

Applications for revisions to existing plans shall comply with all of the fees, procedural requirements, and submissions required of this Ordinance for their classification.

The Planning Board shall make findings of fact and conclusions of law that the proposed revisions do or do not meet the applicable criteria of approval provided in Section IV.

B. TRANSFER OF SUBDIVISION APPROVAL

If the transfer in ownership of any approved subdivision involving public improvements or private road construction is anticipated prior to the successful completion of such improvements, the owner shall notify the Planning Board. The new owner shall be required to submit a subdivision plan amendment to the Planning Board for its review and action.

SECTION XV: ADDITIONAL REQUIRED IMPROVEMENTS

The following improvements are required for all subdivisions, unless waived by the Board in accordance with provisions of this Ordinance.

A. MONUMENTS

Development boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable permanent monumentation including, but not limited to the following:

- a. A granite monument;
- b. A concrete monument;
- c. An iron pin; or
- d. A drill hole in ledge.

B. WATER SUPPLY

1. The Board may allow the use of individual wells or a private central water supply system.
2. When a development is to be served by a central water supply system, the complete supply system, including any required fire ponds and dry hydrants, shall be installed at the expense of the subdivider.
3. If a central water supply system is provided by the developer, the location and protection of the source as well as the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.
4. The applicant shall construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon the submittal of evidence that soil types in the development will not permit their construction, or that a nearby water supply is deemed available and adequate for fire-fighting purposes by the Hancock Fire Department.

C. SUBSURFACE WASTEWATER DISPOSAL

1. The applicant shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
2. In a proposed subdivision, disposal areas shall not be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

3. For proposed subdivisions in the Aquifer Protection Overlay Zone, refer to the Environmental Control Ordinance, Section 5: Land Use Standards (General) B. 32. Uses Prohibited on or Adjacent to Aquifers, a. 4.

D. SURFACE DRAINAGE

1. Where a development is traversed by a stream, river, or surface water drainage-way, or where the Board feels that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. The surface water management system shall be designed by a Registered Professional Engineer.
2. Drainage easements for existing water courses or proposed drainage ways of adequate dimension conforming substantially with the lines of existing natural drainage, shall be provided and indicated on the Plan.
3. The developer shall provide a statement from a qualified professional that the proposed development will not create erosion, drainage or runoff problems either in the development or in other properties. Where the peak runoff from the development onto other properties is increased either in volume or duration, easements from the abutting property owners, allowing such additional discharge shall be obtained.
4. A surface water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Section XXI, shall be submitted.

E. SOLID WASTE DISPOSAL

All new subdivisions, where four (4) or more lots abut a private road, must provide a properly screened or buffered dumpster. The maintenance of same shall be the responsibility of the developer or the homeowners association.

SECTION XVI: DEDICATION AND MAINTENANCE OF COMMON OPEN SPACE AND SERVICES

A. DEDICATION

1. All common land in subdivisions shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners' association, or by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the Town.
2. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land, except where prohibited.
3. The common open space shall be shown on the Final Plan of the proposed subdivision with appropriate notation on the plan to indicate that:
 - a. It shall not be used for future building lots; and
 - b. A part or all of the common open space may be dedicated for acceptance by the municipality or other organization acceptable to the Board.

B. MAINTENANCE OF COMMON SPACE IN SUBDIVISIONS

1. If any or all of the common open space are to be reserved for use by the residents, the by-laws of the proposed homeowners' association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.
2. The form of the covenants for mandatory membership in the homeowners association setting forth the owners' right, interests, and privileges in the association and common property shall be reviewed and approved by the Planning Board, perhaps in consultation with the Town Attorney, and shall be included in the deed for each lot or dwelling.
3. The homeowners' association shall have the responsibility of maintaining the common property unless or until dedication is accepted by the municipality or other organization acceptable to the Board.
4. The association shall levy annual charges against all owners of dwelling units to defray the expenses connected with the maintenance of common property and tax assessments.
5. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until the association or the Town assumes that maintenance responsibility.

SECTION XVII: VIOLATIONS AND ENFORCEMENT

A. RECORDING OF SUBDIVISION PLAN WITHOUT PRIOR APPROVAL PROHIBITED

No plan of a division of land within the municipality which would constitute a subdivision under this Ordinance shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with this Ordinance.

B. CONVEYANCE WITHOUT RECORDING PROHIBITED

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration and land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.

C. CONVEYANCE OF LOTS NOT SHOWN ON FINAL PLAN PROHIBITED

No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration and land in an approved subdivision which is not shown on the Final Plan as a separate lot.

D. UTILITY HOOKUPS PRIOR TO APPROVAL PROHIBITED

No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

E. DEVELOPMENT PRIOR TO APPROVAL PROHIBITED

Development of a subdivision or project requiring approval under this Ordinance, without Board approval shall be a violation. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in this Ordinance.

F. ROAD COMPLETION PRIOR TO OCCUPANCY REQUIRED

No unit in a multi-family development shall be occupied before the road upon which the unit is accessed is completed in accordance with this Ordinance.

G. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL

Failure to comply with any conditions of approval shall be construed to be a violation of this Ordinance and shall be grounds for revoking the approved development plan, initiating legal proceedings to enjoin construction, development or any specific activity violating the conditions of permit approval or applying the legal penalties provided herein.

H. NUISANCES

Any violation of this Ordinance shall be deemed a nuisance.

I. CODE ENFORCEMENT OFFICER

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, the person or persons responsible for such violation, the Town Select Board and the Planning Board, shall be notified in writing, including the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal use of land, buildings, or structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record.

J. LEGAL ACTIONS

When there is a violation of this Ordinance, the Select Board, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Code Enforcement Officer, upon certification, is hereby authorized to represent the Town in District Court pursuant to Title 30-A, MRSA, Sec. 4451 et seq., as amended. In any case, the Town Attorney may prosecute such actions.

K. FINES AND FEES

Any violation of this Ordinance is punishable pursuant to Title 30-A, MRSA, section 4452, as amended. The provisions of that statute governing fines and fees is expressly applicable to violations under this Ordinance. Each day such violation is continued is a separate offense. All such fines shall accrue to the Town.

L. CONTRACTOR LIABILITY

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits and/or approvals for such activity have not been obtained.

SECTION XVIII: GENERAL PERFORMANCE STANDARDS

In reviewing applications submitted pursuant to this Ordinance, the Board shall consider the following performance standards and make written findings that each has been met prior to issuing final approval.

A. CONFORMANCE WITH COMPREHENSIVE PLAN

All proposed subdivisions shall be in conformance with the Comprehensive Plan and Policy Statements of the Town and with the provisions of all pertinent local ordinances and regulations, State and Federal laws and regulations.

B. RELATIONSHIP TO MUNICIPAL SERVICES

The proposed development shall not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, sewer and water systems, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

C. PRESERVATION AND ENHANCEMENT OF THE LANDSCAPE

The landscape shall be preserved in its natural state insofar as reasonably practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be planted that will define, soften or screen the appearance of off-street parking areas, buildings and other structures from the public right-of-way and abutting properties in order to enhance the physical design of the proposed development, and to minimize the encroachment of the proposed uses on neighboring land uses.

D. RELATIONSHIP TO SCENIC CHARACTER OF THE NEIGHBORHOOD

Proposed buildings, structures and roads shall be related harmoniously to the terrain and to existing buildings and structures in the vicinity.

E. RETENTION OF OPEN SPACES AND NATURAL OR HISTORIC FEATURES

1. In any subdivision larger than twenty (20) acres, or more than ten (10) lots or dwelling units, the applicant shall provide at least ten (10) percent of his total area as usable open space. In any subdivision twenty (20) acres or less, or containing ten (10) lots or dwelling units or less, the Board may require the developer to provide at least ten (10) percent of his total area as usable open space. It is desirable that areas reserved for recreation be at least two (2) acres in size and easily accessible from all lots within the subdivision.
2. Land reserved for open space purposes shall be of a character, configuration, and location suitable for the particular use intended and deemed adequate by the Board.
3. Where the proposed subdivision is located on a lake, pond, river or stream, a portion of the waterfront area, when feasible, shall be included in the reserved land.
4. If the Planning Board determines that the reservation of land for parks and/or recreation purposes would be inappropriate or that the land is not suitable or is insufficient in amount, the Board may waive the requirement of land reservation on the condition that the Applicant deposit a cash payment in lieu of land reservation with the Town Clerk. Such payment shall be placed in a trust to be used exclusively for the purchase and development of neighborhood sites for parks, playgrounds and other recreational purposes. The amount of such payment

shall be not more than 10% of the appraised market value, including improvements, for each lot approved on the final plan.

5. The Board may require that the development plans include a landscape plan that will show the preservation whenever practicable of any existing trees larger than twenty-four (24) inches in diameter four feet (4') in height above the ground; the replacement of trees and vegetation, graded contours, streams and the preservation of scenic , historic or environmentally significant areas.

Cutting of trees on the northerly borders of lots should be avoided as far as possible, to retain a natural wind buffer.

F. LAND NOT SUITABLE FOR DEVELOPMENT

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the minimum lot size for the zone in which the development is located:

1. Land which is situated below the upland edge of the wetland;
2. Land which is part of a right-of way, or easement, including utility easements;
3. Land that has been created by filling or draining a pond or wetland;

G. TOPSOIL AND VEGETATION REMOVAL

1. Topsoil shall be considered part of the development and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
2. Except for normal thinning, clearing for approved construction, landscaping, and cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact whenever feasible to prevent soil erosion.
3. To prevent soil erosion of shoreline areas, tree cutting in a strip paralleling the shoreline of a waterbody, and extending one hundred (100) feet inland from all points along the upland edge of the wetland shall be limited in accordance with the clearing of vegetation provisions of the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances in effect at the time.

H. EROSION AND SEDIMENTATION CONTROL

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance. The Board shall require an applicant to take measures to correct and prevent soil erosion in the proposed development.

1. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and clean-up stages.
2. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best-management practices:

- a. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
- b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
- c. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;
- d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- e. The disturbed area and the duration of exposure shall be kept to a practical minimum;
- f. Disturbed soils shall be stabilized as quickly as practicable;
- g. Temporary vegetation or mulching shall be used to protect disturbed areas during development;
- h. Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;
- i. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods;
- j. The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Board;
- k. During grading operations, methods of dust control shall be employed wherever practicable.
- l. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the person or persons causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at their expense as quickly as possible. Failure to do so within two (2) weeks after official notification by registered mail (return receipt requested) by the Code Enforcement Officer shall be considered a violation of this Ordinance. Under extenuating circumstances the Code Enforcement Officer may grant an extension of time.
- m. It is the responsibility of any person performing any activity on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible the present state of the stream, water course, swale, floodway or right-of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed; and
- n. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

I. LOT STANDARDS

1. All the lot configurations should be designed to maximize the use of solar energy on building sites with suitable orientation.
2. Lot configuration and area shall be designed to provide for adequate off-road parking and service facilities based upon the type of development contemplated.
3. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
4. Wherever possible, side lot lines shall be perpendicular to the road.
5. The division of tracts into parcels with substantially more than the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future re-subdivision. Where public utilities could be extended to the development in the foreseeable future, the development shall be designed to accommodate the extensions of utilities.
6. If a lot on one side of a road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the road or barrier to meet the minimum lot size, unless such lots are established lots of record prior to the adoption of this Ordinance.
7. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum dimensional requirements are prohibited, unless such lots are established lots of record prior to the adoption of this Ordinance.

J. UTILITIES

1. The Board may require electric, cable television, and telephone lines to be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.
2. Underground utilities shall be installed prior to the installation of final gravel base of the road.
3. The size, type, and location of street lights and utilities shall be shown on the plan and approved by the Board.

K. CONSTRUCTION IN FLOOD HAZARD AREAS

When any part of a development is located in a Flood Hazard Area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the development shall be constructed with their lowest floor, including basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

SECTION XIX: ROAD DESIGN AND CONSTRUCTION STANDARDS

A. GENERAL REQUIREMENTS

In approving applications submitted pursuant to this Ordinance, the following requirements shall apply:

1. The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools and other traffic generators.
2. Curb cuts shall be limited to the absolute minimum number and widths necessary for safe entering and exiting. The proposed development shall not have an unreasonable adverse impact on the town road system and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.
3. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
4. The Board, shall not approve any development plan unless proposed roads are designed in accordance with the specifications contained in this Ordinance. Approval of a Final Plan by the Board shall not be deemed to constitute or be evidence of acceptance by the Town of any road or easement.

B. ROAD DESIGN STANDARDS

1. These design standards shall be met by all roads within subdivisions reviewed under this Ordinance, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
2. Roads shall be designed to discourage through traffic within residential developments except where such roads are proposed in the Town's Official Map, Land Use Plan, or Development Plan.
3. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads in this Ordinance), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the development, the Planning Board may require that the development plan indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of this Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the Town or State.
4. Where a Major subdivision abuts or contains an existing or proposed Town Way, no residential lot may have vehicular access directly on to the Town Way. This requirement shall be noted on the Plan and in the deeds of any lot with frontage on the Town Way.
5. Any development containing ten (10) or more dwelling units or lots shall have at least two (2) road connections with existing public roads, roads shown on an Official Map, or roads on

an approved development plan for which performance guarantees have been filed and accepted.

6. The following design standards apply to subdivision roads:

DESCRIPTION	DIMENSION
Minimum Right Of Way Width	50'
Minimum Traveled Way	18'
Shoulder Width	2'
Maximum Grade	8%
Roadway Crown	¼" /ft.
Angle of all Road Intersections	90 degrees
Maximum Grade within 75' of Intersections	3%
Minimum Curb Radii at Intersections	25'
Minimum r/o/w Radii at Intersections	10'

7. The centerline of the roadway shall be the centerline of the right-of-way.

8. DEAD END ROADS:

In addition to the design standards above, dead-end roads shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Sixty five (65) foot property line radii and fifty (50) foot outer edge of travel way radii. The Board may require the reservation of a twenty (20) foot easement in line with the dead end road to provide continuation of pedestrian traffic or utilities to the next road.

The Board may also require the reservation of a fifty foot (50') easement in line with the dead end road to provide continuation of the road where future subdivision or development is possible.

9. GRADES, INTERSECTIONS AND SIGHT DISTANCES:

- a. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
- b. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

POSTED SPEED (MPH)	15	20	25	30	35	40	45	50	55
SIGHT DISTANCE (FT)	150	200	250	300	350	400	450	500	550

- c. Where new road intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table above.
- d. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

- e. Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred (200) feet shall be maintained between centerlines of side roads.

C. ROAD CONSTRUCTION STANDARDS

1. MINIMUM THICKNESS OF MATERIAL AFTER COMPACTION

ROAD MATERIALS	
AGGREGATE SUB-BASE COURSE	
Maximum sized stone = 4"	18"
CRUSHED AGGREGATE BASE COURSE	4"

2. PREPARATION:

- a. Before any clearing has started on the right of way, the centerline and sidelines of the new road shall be staked or flagged at fifty (50) foot intervals.
- b. On soils which have been identified as not suitable for roadways, such as stumps, organic duff, and loam, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for aggregate sub-base below.
- c. Side slopes of exposed soil shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

3. BASES AND PAVEMENT:

- 1) The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the sub-base shall contain no particles of rock which will not pass the six (6) inch square mesh sieve.

If Geotextile Fabric is proposed, or required it shall be installed under Sub-base course.

- 2) The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading requirements:

SIEVE DESIGNATION	PERCENTAGE BY WEIGHT PASSING SQUARE MESH SIEVE
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock which will not pass the two (2) inch square mesh sieve.

D. CLEANUP

Following road construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

E. ROAD NAMES, NUMBERING, SIGNS, AND LIGHTING

Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the Town, and shall be subject to the approval of the Town 911 Addressing Officer and Select Board. The developer shall reimburse the Municipality for the costs of installing road name, traffic safety and control signs. Road lighting shall be installed as required and approved by the Board, and paid for by the developer.

Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. The approval by the Planning Board shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots in the center of the streets every fifty (50) feet so as to aid in assignment of numbers to structures subsequently constructed.

F. DRIVEWAY CULVERTS

The minimum size of any driveway culvert shall be fifteen (15) inches in diameter. The minimum and maximum lengths respectively shall be twenty four (24) and thirty six (36) feet in length.

PVC pipe can be used as long as it has a minimum of eighteen (18) inches of cover, this means compacted, with suitable material, (no rocks larger than one (1) inch) on all sides of pipe.

G. CERTIFICATION OF CONSTRUCTION

Upon completion of road construction a written certification signed by a professional engineer registered in the State of Maine, approved by the Planning Board, shall be submitted to the Planning Board at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of this Ordinance. "As built" plans may be required by the Planning Board.

SECTION XX: BUFFER AND SCREENING STANDARDS

A. BUFFERS AND SCREENING

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following buffer and screening standards:

1. All areas located along Town Ways, within twenty (20) feet of the edge of the right-of-way shall be used as buffer areas.
2. Buffers in the form of fences, landscaping, berms and mounds shall be required to minimize any adverse impacts or nuisance on the site or on adjacent properties.
3. Buffers shall be considered in or for the following areas and purposes:
 - a. Along property lines, to shield various uses from each other;
 - b. Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night;
 - c. Parking areas, garbage collection areas, and loading and unloading areas; and
 - d. To block prevailing wind patterns and to stop wind-borne debris from leaving the site.
4. Buffers shall be sufficient to shield structures and uses from the view of incompatible abutting properties and public road ways, and to otherwise prevent any nuisances.
5. Exposed storage areas, service areas, exposed machinery installation, sand and gravel extraction operations, truck-loading areas, utility buildings and structures, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and similar accessory areas and structures, shall have sufficient setbacks and screening to provide an audio/visual buffer sufficient to minimize their adverse impact on other land uses within the development site and surrounding properties, such as a stockade fence or a dense evergreen hedge six (6) feet or more in height.
6. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.
7. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties and public roadways. When natural features such as topography, gullies, and stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.
8. Evergreens can be used as buffers, provided they are planted in two (2) or three (3) rows of staggered plantings. The rows should be seven (7) feet apart and the evergreens planted six (6) feet on center.
9. Fencing and screening shall be durable and properly maintained at all times by the owner.
10. Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
11. All buffers shall be maintained in a neat and sanitary condition by the owner.

B. PLANT MATERIAL MAINTAINANCE GUARANTEE REQUIRED

Prior to the issuance of any permit, the applicant shall furnish to the Town of Hancock a three (3) year guarantee that plantings be maintained in accordance with the terms of the Board's approval and in good and healthy condition. A maintenance bond may be required by the Planning Board.

SECTION XXI: STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

A. GENERAL PROVISIONS

In approving applications submitted pursuant to this Ordinance, the Board shall require the applicant to meet the following storm drainage design and construction standards:

1. The storm drainage system will not adversely affect neighboring properties, downstream water quality, or cause soil erosion. Whenever possible, on-site absorption and/or evaporation of run-off waters shall be utilized to minimize discharges from the site.
2. Surface water runoff shall be minimized and detained on-site if possible or practicable. If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. The design basis is a twenty-five (25) year storm.

B. STORM WATER MANAGEMENT DESIGN STANDARDS

1. Adequate provision shall be made for disposal of all storm water generated within the development and any drained ground water through a management system of swales, culverts, underdrain, and water courses. The storm water management system shall be designed to conduct storm water flows to existing watercourses.
2. All components of the storm water management system shall be designed to meet the criteria of a twenty-five (25) year storm based on rainfall data for the closest reporting station to Hancock, Maine.
3. The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches in diameter. The minimum and maximum lengths, respectively shall be twenty-four (24) and thirty-six (36) feet in length. Maximum trench width at pipe crown shall be the outside diameter of the pipe plus two (2) feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe.
4. Catch basins shall be installed where necessary.
5. Inlets and outlets of culverts shall be stabilized against soil erosion by stone rip-rap or other suitable materials to reduce storm water velocity.
6. The storm water management system shall be designed to accommodate complete watershed drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of fifty percent (50%) for potential increases in upstream runoff.

7. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from any development. The developer shall be responsible for financing any improvements to existing drainage systems required to handle the increased flows.
8. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

C. STORM DRAINAGE CONSTRUCTION STANDARDS

1. **REINFORCED CONCRETE PIPE:**
Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM designation C 443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.
2. **CORRUGATED METAL PIPE:**
Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than five (5) percent.
3. **ABS PIPE:**
ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.
4. **CORRUGATED PLASTIC PIPE:**
Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.
5. **ACCESS HOLES:**
Access holes, if required, shall be of precast concrete truncated cone section construction meeting requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.
6. **CATCH BASINS:**
Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar

bed with tops which shall conform to the requirements of AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

7. DRAIN INLET ALIGNMENT:

Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Town's consulting Engineer.

8. ACCESS HOLE PLACEMENT:

Access holes, if required, shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of four hundred foot (400') intervals.

9. CATCH BASIN AND ACCESS HOLE MAINTENANCE:

Upon completion each catch basin or access hole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until the Town will Accept the road.

SECTION XXII: PROVISION FOR CLUSTER DEVELOPMENT

A. PURPOSE

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted by this Ordinance.

In addition, the purpose of allowing Cluster Development shall be to encourage housing development which will result in:

1. Additional open space and recreation areas;
2. A pattern of development which preserves trees, outstanding natural topography and geologic features and reduces soil erosion; and
3. An efficient use of land resulting in small networks of utilities and streets.

B. ALLOWABLE REDUCTION IN REQUIREMENTS

To accomplish the purposes above, the layout and dimensional requirements of this ordinance may be reduced as follows:

1. The Board may reduce area requirements by not more than fifty percent (50%) but only if a net area at least equal in area to the cumulative lot size reduction is maintained as common or public land;
2. The Board shall not increase building height limitations; and
3. The modification of requirements under this section shall not require a variance and no finding of undue hardship shall be required;

C. PERFORMANCE STANDARDS

All cluster developments approved by the Board must meet the following requirements:

1. All the requirements and standards of this Ordinance, except those dealing with lot layout and dimensions, shall be met.
2. The minimum area of land in a cluster development shall be ten (10) acres.
3. No building shall be constructed on soil types that are poorly drained.
4. Where a cluster development is proposed on a parcel which abuts a waterbody, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.
5. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south facing slopes, and natural drainage areas in accordance with an overall plan for site development and landscaping.

SECTION XXIII: PERFORMANCE GUARANTEES

A. TYPES OF GUARANTEES

With submittal of the application for final plan approval for any subdivision, the Board may require the developer to provide one of the following performance guarantees for an amount adequate to cover the estimated construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

1. Either a certified check payable to the Town or a savings account or certificate of deposit all naming the Town as owner, for the establishment of an escrow account, as provided for in Section C, below;
2. A performance bond payable to the Town issued by a surety company, approved by the Select Board and Town Attorney, as provided for in Section D, below;
3. An irrevocable letter of Credit from a financial institution establishing funding for the construction of the development, from which the Town may draw if construction is inadequate, approved by the Select Board and Town Attorney, as provided for in Section E, below; or
4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed, as provided for in Section F, below.

The conditions and the amount of the performance guarantee shall be determined by the Board with the advice of the Town's Road Commissioner, Municipal Officers and/or Attorney.

B. CONTENTS OF GUARANTEE

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and date after which the developer will be in default allowing the Town access to the funds to finish construction, as provided for in Section I, below.

C. ESCROW ACCOUNT

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the Town shall be named as owner or co-owner, and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer.

D. PERFORMANCE BOND

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the developer, and the procedures for collection by the Town. The bond documents shall specifically reference the subdivision for which approval is sought.

E. LETTER OF CREDIT

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the development and may not be used for any other project or loan.

F. CONDITIONAL AGREEMENT

The Board, at its discretion may provide for the developer to enter into a binding agreement with the Town in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that only up to three (3) lots may be sold or built upon until:

1. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this Ordinance and the regulations of the appropriate utilities; and
2. A performance guarantee, acceptable to the Town is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Subsection H.

G. PHASING OF DEVELOPMENT

The Board may approve plans to develop a subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots or buildings abutting that section of the proposed development's road which is covered by performance guarantee. When development is phased, road construction shall commence from an existing public way. All dead end roads shall be provided with a permanent or temporary cul-de-sac. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

H. RELEASE OF GUARANTEE

Prior to the final release of the performance guarantee, the Board shall determine that the proposed improvements meet or exceed the design and construction requirements.

I. DEFAULT

If, upon inspection, the Board, or its qualified agent, finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, it shall so report in writing to the Code Enforcement Officer, the Select Board, and the subdivider or developer. The Select Board shall take any steps necessary to preserve the Town's rights.

J. PRIVATE ROADS

Where the development roads are to remain private roads, the following words shall appear on the recorded plan:

"All roads in this development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

SECTION XXIV: WAIVERS

A. WAIVER OF SUBMISSION REQUIREMENTS

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the submission requirements, provided the public health, safety and welfare are protected and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any Ordinance.

B. WAIVER OF PERFORMANCE STANDARDS

Where the Board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the performance standards, unless otherwise indicated in this ordinance, to permit a more practical and economical development, provided the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any Ordinance.

C. WAIVERS OF REQUIRED IMPROVEMENTS

Where the Board makes written findings of fact that due to special circumstances of a particular site proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity to the proposed subdivision or development, it may waive the requirement for such improvements, provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan or any Ordinance.

D. WAIVERS FOR ROAD DESIGN AND CONSTRUCTION STANDARDS

Where the board makes written findings of fact that there are special circumstances of a particular site proposed to be subdivided, it may waive portions of the road design and construction standards, unless otherwise indicated in this Ordinance, to permit a more practical and economical development, provided the public health, safety and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or any ordinance.

E. WAIVERS CONDITIONALLY GRANTED

In granting waivers to any of the provisions of this Ordinance in accordance with subsections A, B, and C, above, the Board shall require such conditions as will assure the purposes and objectives of this Ordinance are met.

F. WAIVERS LIMITED

No other waivers of the provisions of this Ordinance may be granted, except as expressly authorized by this section.

G. WAIVER REVOCABLE

All waivers granted by the Planning Board under this Section of the Ordinance are revocable up to the date of Final Plan approval.

SECTION XXV: APPEAL TO SUPERIOR COURT

A. APPEAL TO SUPERIOR COURT

An appeal may be taken within thirty (30) days after any decision is rendered by the Planning Board, by any party to Superior Court in accordance with State Law.

SECTION XXVI: DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

In this Ordinance, certain terms and words shall be interpreted as follows:

1. The words “persons” and “applicant” includes individuals, firms, associations, corporations, organizations, and similar entities;
2. Words used or defined in one tense or form shall include other tenses or derivative forms;
3. Words in the singular number shall include the plural number and words in the plural shall include the singular number;
4. The masculine gender shall include the feminine and the feminine shall include the masculine;
5. The word “shall” is mandatory;
6. The word “may” is permissive;
7. In case of difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

B. DEFINITIONS

For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

APPLICANT

The assessed owner or owners of land to be subdivided or person with documented right, title, or interest in the land to be subdivided.

BERM

A narrow shelf or path such as a ledge at the top of a ditch.

BOARD

The Planning Board of the Town of Hancock, Maine.

CLUSTER DEVELOPMENT

A subdivision or development in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot and/or unit owners, the Town, or a land conservation organization, as allowed by the Planning Board.

COMPLETE APPLICATION

An application presented to the Planning Board which includes (1) receipt for fee paid; (2) completed application form; (3) Planning Board notification stating that all other submissions required herein for that type of application have been received and are satisfactory.

COMPREHENSIVE PLAN OR POLICY STATEMENT

Any part or element of the overall plan or policy for development of the Town as defined in Title 30-A, MRSA, Section 4311, et. seq., as amended.

CONTIGUOUS LOTS

Lots in the same ownership which adjoin at any line or point, except that lots on opposite sides of a public or private road shall be each considered a separate tract or parcel unless such road was established by the owner of land on both sides thereof.

DRIVEWAY

Driveway shall mean a private way providing 4-wheel vehicular access from a public way to not more than two lots.

EASEMENT

The authorization of the property owner for the use by another, and for specified purpose, of any designated part of his property.

ENGINEER

Municipal Engineer or consulting engineer licensed by the State of Maine.

FARMLAND

A parcel consisting of 5 or more acres of land that is: A. Classified as prime farmland, unique farmland or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or B. Used for the production of agricultural products as defined in Title 7, M.R.S.A., section 152, subsection 2.

FINAL PLAN

The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, shall be recorded at the Registry of Deeds.

FRESHWATER WETLAND

Freshwater Wetlands shall be defined as in Title 38, MRSA, Sec. 480B, as amended, Natural Resources Protection Act. According to 1989 statutes, Freshwater Wetlands are defined as follows: "Freshwater Wetlands" means freshwater swamps, marshes, bogs and similar areas which are:

Of ten (10) or more contiguous acres, or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that in a natural state, the combined surface area is in excess of ten (ten) acres;

Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

Not considered part of a great pond, coastal wetland, river, stream or brook.

These areas may contain small stream channels or inclusion of land that do not conform to the criteria of this subsection.

Delineating standards shall be as per current rules and regulations of the Maine Department of Environmental Protection.

FRONTAGE

The linear distance between the sidelines of a lot, measured along the line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of these regulations, the following ways shall constitute legal access to a lot along which frontage may be measured:

- a. A way accepted by or established as belonging to the Town of Hancock, or the State of Maine, provided access is not specifically prohibited;
- b. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan.
- c. Frontage dimensions shall meet or exceed the minimum frontage required by the Town's Zoning Ordinance.

GROUNDWATER CONTAMINATION RISKS

Reported oil spills or oil storage facilities and other likely sources of groundwater contamination (e.g., active or former oil storage tanks, fueling facilities, solid waste landfills, hazardous waste spills, junkyards, salt piles, etc.)

HIGH INTENSITY SOIL SURVEY

A Class A soil survey, conducted by a Certified Soil Scientist and prepared according to the standards of the National Cooperative Soil Survey, resulting in a soils map in which the mapping units are single phases of soils series and the mapping units delineated are contrasting soils of one eighth (1/8) acre or less in size.

LEGISLATIVE BODY

Special or Regular Town Meeting.

LOT

Any separate or distinct unit of land, structure or part of structure, whether residential or non-residential, with a clearly separate but not necessarily different, use or intended use from the lot or lots adjacent to it, with the exception of auxiliary buildings for a single-family residence, not intended for human occupancy. Included under this definition of a lot would be apartments, shopping centers, and groups of non-residential buildings with different uses, even if owned by the same person.

NET ACREAGE

The total acreage available for the subdivision or development, and shown on the proposed subdivision or development plan, minus the area for roads or access and the areas which are unsuitable for development.

NGVD

National Geodetic Vertical Datum.

NORMAL HIGH WATER ELEVATION OF INLAND WATERS

Along lakes, ponds, and streams, the elevation at which vegetation changes from predominantly aquatic to predominantly terrestrial: along streams, the highest elevation on the bank of a channel at which the water has left a definite mark.

OFFICIAL MAP

The maps adopted by the Municipality showing the location of public property, ways used in common by more than two (2) owners of abutting property, and approved subdivisions; and any amendments thereto adopted by the Municipality or additions thereto resulting from the approval of subdivision plans by the Planning Board and the subsequent filing for record of such approved plans.

OFFICIAL SUBMITTAL DATE

The date upon which the Board issues a receipt indicating that a complete application has been submitted.

ONE-HUNDRED-YEAR FLOOD

The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

PERSON

Includes an individual, firm, association, partnership, trust, company, corporation, municipal or other local government entity, quasi-municipality, state agency, educational or charitable organization or institution or other legal entity.

PLANNING BOARD ORDER

A written decision of the Planning Board including findings of fact, conclusions of law, decisions, and conditions and/or terms of approval, if any.

PRELIMINARY SUBDIVISION PLAN

The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

RECENT FLOOD PLAIN SOILS

The following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

REPRODUCIBLE COPIES OF FINAL PLAN

Polyester film (mylar) material upon which Final Subdivision Plans are drawn, must include an approval block for the Planning Board members to sign at the time of final approval.

RIGHT-OF-WAY

A street or other area over which is given legal right of passage. A public right-of-way is a way dedicated to the use of the public and accepted for ownership by the Town of other level of government.

ROAD

Public and private ways such as Town ways, public rights-of-way, and private rights-of-way to 3 or more lots.

SUBDIVISION

As defined by Title 30-A, MRSA, Section 4401, as the same may be amended from time to time. See page 5, Section C.

SUBDIVISION, MAJOR

Any subdivision containing more than four (4) lots or dwelling units.

SUBDIVISION, MINOR

Any subdivision containing not more than four (4) lots or dwelling units.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM

Any system designed to dispose of waste or wastewater on or beneath the surface of the earth; including but not limited to: septic tanks; disposal fields; legally existing, nonconforming cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.

An engineered subsurface waste disposal system is any subsurface wastewater disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of wastewater per day or more.

SWALE

A hollow or depression especially in wet grounds.

TOWN

Town of Hancock, Maine

TRACT OR PARCEL OF LAND

All contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of the land on both sides of the road after September 22, 1971.

Subdivision Fee Schedule

Subdivision	Fee	Comments
Pre Application Meeting	\$100	
Minor	\$100 + \$100 per lot	1-4 lots
Major	\$300 + \$100 per lot	5 or more lots
Filing Security Deposit	\$500	To be returned after Town receives a copy of the recorded plan
Technical Review Account	\$200 per lot	

Effective 9/15/09

WATER EXTRACTION ORDINANCE

Hancock, Maine

Enacted May 9, 2011

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SECTION 1 - TITLE AND PURPOSE

A. TITLE

This Ordinance shall be known and may be cited as the “Water Extraction Ordinance of the Town of Hancock, Maine” and will be referred to herein as "this Ordinance."

B. PURPOSE

1. To ensure that any proposed Large-Scale Water Extraction activities are subject to appropriate review and approval by the Town of Hancock and the State of Maine. To provide policies promoting sustainable and equitable access to groundwater resources and supplies. To protect the general health, safety and welfare of all persons dependent upon aquifers and groundwater resources located in the Town of Hancock;
2. To protect the short-term and long-term quality and quantity of groundwater, spring water and freshwater resources within aquifers and the recharge areas for these water bodies and related surface waters, including, but not limited to, ponds, wetlands, and streams as may be located wholly or partially within the Town of Hancock;
3. To establish a regulatory framework for overseeing and managing groundwater resources and groundwater extraction activities, for avoiding the interruption of supply or degradation in the quality of groundwater resources, and for developing management practices governing groundwater extraction activities;
4. To ensure that groundwater extraction activities do not adversely impact or impair plant or wildlife communities or the viability of wetlands, meadow areas, or forested areas dependent on groundwater resources;
5. To protect private and public property proximate to and within groundwater extraction areas by regulating the structures, facilities, uses and activities associated with groundwater extraction; and, to prevent undue adverse impact to existing and proposed roadways due to extraction, processing, loading or transport of water resources; and
6. To minimize, limit and require mitigation and buffering of noise, vibration, dust, other adverse effects or pollution associated with groundwater extraction activities; and, to regulate the equipment and vehicles used in groundwater extraction, processing, loading or transport of groundwater resources.

SECTION 2 - GENERAL PROVISIONS

A. AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII of the Maine Constitution and under the authority granted to the Town by the Statutes of the State of Maine, Title 30-A M.R.S.A. Sections 2102 et seq. (Municipal Home Rule), 3001 through 3006 et seq. (Ordinance power); Section 4312 et seq. (Growth management); and Section 4352 et seq. (Zoning Ordinances), and Title 38 Section 401 et seq., as amended.

B. ADMINISTRATION

The provisions of this Ordinance shall be administered by the Town of Hancock's Planning Board and enforced by the Town of Hancock's Code Enforcement Officer and Board of Selectmen. The Board of Selectmen will establish or revise, after notice and hearing, a fee schedule for the various fees required by this Ordinance.

C. EFFECTIVE DATE

This Ordinance shall be effective upon its adoption by vote of the eligible voters of the Town of Hancock, Maine at town meeting.

D. CONFLICT WITH OTHER ORDINANCES

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation or ordinance, the more restrictive provision shall apply.

E. SEVERABILITY

In the event that any section, subsection, or any provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other Section, Sub-Section, or other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

F. AVAILABILITY

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public.

SECTION 3 - APPLICABILITY, PERMITTED USE AND EXEMPTIONS

A. APPLICABILITY

The provisions of this Ordinance shall apply to all Large-Scale Water Extraction for transport out of the Town of Hancock, unless exempted. Any entity, person, consortium, association of entities or persons acting in concert extracting and transporting 5,000 or more gallons of groundwater or surface water during any 24 hour period, regardless of the number of extraction points utilized within the Town of Hancock, must first obtain approval from the Planning Board of the Town of Hancock.

B. PERMITTED USE

Large-Scale Water Extraction is a permitted use with Planning Board Site Plan Review approval in the Industrial Zone. Zoning classifications are as defined in the Hancock Environmental Control Ordinance.

C. EXEMPTIONS

The following are exempt from the provisions of this Ordinance: water used within the Town for agricultural purposes, water supply to residential dwellings, water supply for public facilities or for on-site commercial and industrial uses which exist as of the date of the adoption of this Ordinance. Water used for public safety, fire suppression and public water systems are also exempt from the provisions of this Ordinance.

SECTION 4 - APPLICATION

A. Applications for Large-Scale Water Extraction for transport out of the Town of Hancock shall be subject to the provisions set forth in this Ordinance and the Town of Hancock Environmental Control Ordinance, including Site Plan Review, Section 7, and the following application submissions and review criteria.

B. Applications for Site Plan Review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the Code Enforcement Officer who shall forward it to the Planning Board.

C. The submission shall contain at least the following exhibits and information:

1. APPLICATION FORM. A fully executed and signed copy of the application form;
2. FEES. Fees in the amounts specified in the fee schedule;
3. ORIGINALS. One (1) original of all maps and drawings on durable, permanent transparency material;
4. COPIES. Ten (10) copies of written materials and ten (10) sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval, not less than 1" = 40' or a scale acceptable to the Code Enforcement Officer and Planning Board.
5. GENERAL INFORMATION. The following general information is required:
 - a. Name of owner of record and address;
 - b. Applicant's name and address if different;
 - c. The name of the proposed development;
 - d. Names and addresses of all property owners within the zone of influence.
 - e. Sketch map showing general location of the site within the Town;
 - f. Location map showing the boundaries of all properties contiguous with the property from which the water will be extracted under the control of the owner or applicant regardless of whether all or part is being developed at the time of the application;
 - g. The tax map(s), lot number(s) and 911 address of the parcel or parcels;
 - h. A copy of the deed to the property, option to purchase the property from which the water will be extracted or other documentation to demonstrate right, title, or interest in the property on the part of the applicant; and
 - i. The name(s), registration number(s), and seal(s) of the land surveyor, architect, engineer, and/or similar professionals assisting with the preparation of the plan.
6. INFORMATION REGARDING EXISTING CONDITIONS & PROPOSED DEVELOPMENT ACTIVITY. A site plan showing the following information regarding existing conditions and proposed development activity is required:
 - a. Zoning classification of the property;
 - b. Existing and proposed facilities. All existing and proposed facilities related to water extraction, transport, bottling, or other relevant activities, and the location, dimensions, including height, setbacks and ground floor elevations of all other structures, yards and buffers on property owned or controlled by the applicant, the bearings and distances of all property lines of the property to be developed and the source of this information, and proposed extraction points, prepared by a registered land surveyor as a Standard Boundary Survey;
 - c. Roads. All public and private roads, existing or proposed, the location and dimensions of driveways, roads, parking and loading area, walkways and roads and driveways on the site and within two hundred (200) feet of the boundaries of the site;
 - d. Sources of water. All wells, springs, or other locations where groundwater or surface water is drawn for private, public, or commercial use;
 - e. Surface-water resources. All surface water resources, including but not limited to streams, wetlands, ponds, and vernal pools;

- f. Location and size of any existing and proposed sewer and water mains, culverts, and drains on the property to be developed and of any that will serve the development from abutting streets or land, the location of all existing and proposed pipes, pipelines, aqueducts or similar that are intended to facilitate transport of extracted water from extraction point(s) to all intended end users, the location of open drainage courses, wetlands, significant stands of trees, other important natural features, with a description of such features to be retained and proposed landscaping and buffering;
 - g. Existing and proposed topography of the site at an appropriate contour interval (1', 2', or 5') depending on the nature of the use and character of the site or such other interval as the Planning Board may determine;
 - h. Major natural features on the site and including within two hundred fifty feet (250') of the boundaries of the site, wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats or other important natural features as identified in the comprehensive plan;
 - i. Anticipated number of employees. Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified;
 - j. The direction of existing and proposed surface water drainage flow across the site;
 - k. The location, front view, and dimensions of existing and proposed signs;
 - l. Utility lines. Any existing or proposed utility lines proposed for use in the groundwater extraction activities, and the location and type of all existing and proposed exterior lighting;
 - m. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan;
 - n. Identification of historic sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed in the National Register of Historic Places;
 - o. Monitoring locations. All monitoring wells, piezometers, flumes, staff gages, sampling locations, or other facilities and locations used in analysis of the site;
 - p. Possible sources of contamination. All known or potential sources of groundwater contamination, including but not limited to surface and subsurface wastewater disposal systems, landfills and dumps, sand-salt storage and mixing areas, junkyards, manure stacking sites, agricultural fields or other areas of pesticide, herbicide, or fertilizer application, and tanks or other storage areas for fuel or other hazardous materials;
 - q. A schedule of construction, including anticipated beginning and completion dates; and
 - r. Related applications and documents. Applications shall include copies of all related applications, exhibits and reports for such extraction project filed with any other municipal authority or any agency or department of the State of Maine or United States government, including, but not limited to, as required under 22 M.R.S.A. § 2660 et seq. (transport of water for commercial purposes) or under applicable Maine Department of Health and Human Services rules and regulations. Related applications and documents filed after the date of the application but before any approval is issued by the Planning Board shall be submitted to the Planning Board within 10 days of filing such related applications and documents.
7. **DEMONSTRATION OF NO ADVERSE IMPACT.** Submit information demonstrating that the proposed withdrawal of water will not adversely affect existing uses of groundwater or surface water resources. Note that all instrumentation used during this assessment must meet standards of accuracy traceable to the National Institute of Standards and Technology.

- a. Natural flow from springs, Other Surface Sources, or Artesian Wells. If the proposed extraction does not involve pumping water out of the ground or a surface water body, but relies instead in whole or part on collection of water from a spring or surface source, demonstrate that the flow remaining after removal of the water for transport will be sufficient to maintain existing and designated uses of downstream surface waters, particularly during periods of low-flow, including existing natural migration and spawning of aquatic species, and that the classification of downstream surface waters will not be affected.
- b. Pumping from surface waters. If the proposed extraction includes pumping water out of a surface water body, demonstrate that the flow and water levels remaining after removal of the water for transport will be sufficient to maintain existing and designated uses of upstream and downstream surface waters, particularly during periods of low-flow, including existing natural migration and spawning of aquatic species, and that the classification of upstream and downstream surface waters will not be affected. Demonstrate that any changes in base flow resulting from reduction in pre-pumping upstream or downstream flows will not adversely impact existing uses of groundwater or groundwater classification.
- c. Pumping of groundwater. If the proposed extraction includes pumping of groundwater, submit a determination of the long-term safe yield of each well, including a prediction of operating levels and determination of the zone of influence and zone of contribution for each well. Provide a specific assessment, developed from monitoring of water levels and flows during the pump tests, of the impacts on any existing wells and existing groundwater flow paths within the zone of influence and zone of contribution for each well, and on the impacts on baseflow volumes, potential for induced recharge, maintenance of flow and surface water quality, duration of saturation in wetlands and vernal pools, and other potential impacts on surface-water or groundwater quantity, quality, and classification within the zone of influence and zone of contribution for each well. Pump tests should include, at a minimum, the following:
 - i. Establishment of near-field and far-field monitoring wells, including nested wells near springs, wetlands, and other surface waters in order to evaluate changes in vertical flow due to the pumping, and background wells to document background water levels in an area of the aquifer (or adjacent aquifer) that will not be influenced by the test.
 - ii. Location and elevation of the monitoring wells relative to the existing well(s), to the nearest 1 ft horizontal and 0.01 ft vertical.
 - iii. Measurement of elevation and distance from the pumping well(s) of springs, streams, ponds, and wetlands shown on the site plan.
 - iv. Establishment of staff gages or pressure transducers in streams, ponds, open-water wetlands, and other surface waters reasonably likely to be affected by pumping.
 - v. Establishment of one or more precipitation monitoring stations.
 - vi. Two or more weeks of daily background monitoring at all stations.
 - vii. A stepped-rate pumping test to assess the hydraulic characteristics of the well or wells to be pumped during the long-duration test.
 - viii. A long-duration pumping test at a reasonably fixed rate, to continue until stabilization has been reached or for 5 days, whichever is less. Stabilization is considered to be reached when the drawdown reading at either an observation well no more than ten feet from the pumping well or the pumping well itself has not varied by more than 1/2 inch (0.04 feet) during the preceding 24-hour period. An alternative definition of stabilization may be proposed by the applicant and must

be reviewed by the Planning Board or its designee and approved by the Planning Board prior to the pumping test. The Planning Board may require longer-duration tests if determined to be necessary to assess impacts to surface waters or other wells.

- ix. Monitoring of water levels at monitoring wells, surface waters, springs, and other areas, at a frequency determined by the Planning Board or its designee and approved by the Planning Board, during the pump tests and a recovery period no shorter than the duration of the test.
 - x. Records of precipitation during the pump test and recovery period, at a frequency determined by the Planning Board or its designee and approved by the Planning Board.
 - xi. Flows from the pumping well in gallons per minute.
 - xii. Uses and flows of nearby wells or other operations, such as construction dewatering, in the vicinity of the pumping well or monitoring wells that could affect groundwater levels during the test and recovery period.
8. GEOLOGIC CHARACTERIZATION. A report describing a conceptual hydrogeologic model of the aquifer being considered and its recharge areas, including but not limited to:
- a. Geologic Description. Description of the geology and geologic history of the area.
 - b. Cross-Sections. Generalized geologic cross-sections through the aquifer based on available information such as well logs, geologic reports, maps, and subsurface data.
 - c. Logs. Logs of all wells, borings, seismic lines, and other subsurface data used in development of the report.
 - d. Hydrogeologic Description. A description of aquifer flow, hydraulic boundaries, recharge conditions, interaction of the source of the withdrawal with surrounding water resources, and springs, and the estimated zone of contribution.
 - e. Conceptual Flow Net. A conceptual groundwater flow-net map for the aquifer and its recharge areas based on available data, showing hydraulic head contours; and horizontal and vertical groundwater flow under average, ambient, non-pumping conditions.
9. MONITORING PLAN. Submit a plan for independent long-term monitoring of groundwater and surface water within the zone of influence and of background conditions outside that zone if determined to be necessary by the Planning Board. The independent monitoring agency shall be subject to approval by the Planning Board and shall be paid for by the applicant. The number and location of monitoring wells to be approved by the Planning Board, taking into consideration the size of the zone of influence, number of users therein and any other circumstance deemed appropriate by the Planning Board. This may include, but is not limited to, regular measurement and assessment of water level, water quality, streamflow, biomonitoring, wetland vegetation, amount and type of precipitation, and other sources of information as determined to be applicable to particular sites, depending on the presence and sensitivity of the resources, the proposed volume and method of extraction, and other relevant factors. This plan must include a provision for monthly submission of data to the Planning Board and Code Enforcement Officer, comparison of measured data to predicted values, and a plan to be implemented in the event that monitoring indicates the potential for adverse impact on surface-water or groundwater quantity, quality, and classification. If the data indicates adverse impact, upon notification by the Code Enforcement Officer to the applicant, the water extraction activities shall be discontinued. Before resumption of water extraction activity a hydrogeologic report prepared by a hydrogeologist certified to perform this type of work in the State of Maine and paid for by the applicant and approved by the Planning Board, shall

be submitted to the Code Enforcement Officer and the Planning Board. Such report shall determine if the degradation was caused by the water extraction activity and shall also identify any remedial action necessary to restore the water quality or quantity to the conditions recorded in these wells during the test period. Such remedial action must be completed prior to resumption of the water extraction activity.

10. **TRAFFIC IMPACT ANALYSIS.** A traffic impact analysis prepared, signed and sealed by a State of Maine registered traffic or transportation engineer. The analysis shall include the following:
 - a. Routes to be used;
 - b. Access conditions at site;
 - c. Types and weights of water transport vehicles expected;
 - d. The expected number of daily water transport vehicle trips;
 - e. Peak-hour volumes;
 - f. Pre- and post-directional distribution of hourly and daily traffic volumes and level of service for the affected roads/streets and intersections;
 - g. Assessment of the load capability and volume capacity of the roads/streets to be used;
 - h. Effect upon the level of service of the roads/streets giving access to the site and the neighboring streets that may be affected; and
 - i. Recommended improvements to assure an adequate level of service on the affected streets and to mitigate the physical degradation of roads sooner than the anticipated life span.

SECTION 5 - REVIEW PROCEDURES

- A. **SUBMISSION OF COMPLETED APPLICATION TO THE CODE ENFORCEMENT OFFICER.** The applicant shall submit the requisite number of copies of their application and supporting information required by Section 4.
- B. **CODE ENFORCEMENT OFFICER REVIEW**
 1. **DATED RECEIPT.** The Code Enforcement Officer shall issue the applicant a dated receipt.
 2. **FEES SUBMITTED.** The applicant shall provide the Code Enforcement Officer with the applicable fees established in Section 9. (see Fee Schedule)
 3. **REVIEW FOR COMPLETENESS.** The Code Enforcement Officer shall initially review the application and determine whether or not it is complete.
 4. **NOTICE OF INCOMPLETE APPLICATION.** If the application is found to be incomplete, the Code Enforcement Officer shall, within ten (10) days, notify the applicant in writing of the information needed to complete the application. Upon the applicant's submission of such additional information, Steps 3 and 4 shall be repeated.
 5. **APPLICATION FORWARDED.** If the application is found to be complete, the Code Enforcement Officer shall forward copies of the application and supporting documents to the Planning Board with the letter of complete submission.
 6. **NOTICE.** Property owners within the zone of influence shall be notified by mail by the Town, at the applicant's expense, of all pending applications for Large-Scale Water

Extraction for transport out of Hancock. This notice shall indicate the time, date, and place of Planning Board consideration of the application.

C. PLANNING BOARD REVIEW

At the meeting of the Planning Board at which the proposed water extraction is scheduled to be reviewed, the Planning Board shall:

1. DETERMINATION OF COMPLETENESS. Determine whether or not the application is complete;
2. NOTICE OF INCOMPLETENESS. If the application is determined to be incomplete, the Planning Board shall inform the Code Enforcement Officer of the information required to make the application complete. The Code Enforcement Officer shall, within ten (10) days, inform the applicant, in writing, of the additional information required by the Planning Board.
3. PUBLIC HEARING. If the application is determined to be complete, the Planning Board shall deem the application pending and shall set the matter to public hearing. Such hearing shall take place within forty-five (45) days of the Planning Board's determination that the application is complete. This deadline may be extended by mutual agreement of the Planning Board and the applicant, either in writing or orally, on the record at a public meeting.

D. PUBLIC HEARING PROCEDURES

Site Plan Review public hearings and notice thereof shall comply with the following procedures:

1. PUBLISHED NOTICE. Notice of said hearing shall be published in a newspaper of general circulation in the Town of Hancock at least two (2) times, six (6) and thirteen (13) days prior to the hearing date.
2. MAILED NOTICE. At least fourteen (14) days prior to the hearing date, written notice of said hearing shall be mailed by the Town, at the applicant's expense, to the applicant, to the owners of all property within the zone of influence of the property in question, to the Chair of the Hancock Board of Selectmen, and the Ellsworth and Lamoine Planning Boards if located in the Aquifer Protection Overlay Zone. The owners of property shall be considered to be those shown on the Town's tax list as the persons against whom taxes are assessed. The Planning Board shall, in each case, maintain a list of property owners so notified. Notice shall be deemed received if mailed to an owner's last known address according to the Town tax records. Failure of any property owner to actually receive notice shall not necessitate another hearing or invalidate any actions of the Planning Board.
3. CONTENT OF NOTICE. Notice of said hearing shall identify the applicant and the property involved, describe the specific nature of the proposal, state the date, time and place of the hearing, and explain how the recipient of the notice may attend and present evidence.
4. REPRESENTATION. At any hearing a party may be represented by an agent or attorney provided, however, if any party is not present, any person acting as that party's agent or attorney shall provide written evidence of such authority.

5. CONTINUATION. Any hearing may be continued or recessed to another time for good cause shown or upon written or recorded agreement of the Planning Board and the applicant.

E. PLANNING BOARD DELIBERATION AND DECISION

1. DELIBERATION. Within thirty-five (35) days after the public hearing on an application, the Planning Board shall deliberate to determine whether the proposed water extraction complies with all applicable requirements set forth in Section 4 and meets the Criteria of Approval set forth in Section 6. This deadline may be extended by mutual agreement of the Planning Board and the applicant, either in writing or orally, on the record at a public meeting.
2. DECISION. If the Planning Board finds that the proposed water extraction complies with all such review criteria it shall issue a Finding of Fact granting approval subject to such terms and conditions as the Planning Board considers advisable to ensure conformity with standards and criteria of this Ordinance, or to protect the public's health, safety, or general welfare. If the Planning Board finds that the proposed water extraction does not comply with all applicable review criteria, it shall issue a Finding of Fact denying approval. In either case the Planning Board shall, within ten (10) working days after the completion of its deliberations, issue specific written findings of fact supporting its decision.

- F. PERMIT. If the Planning Board approves the water extraction Application, the Code Enforcement Officer shall issue a permit.

G. PROFESSIONAL REVIEW

1. ADDITIONAL STUDIES: The Planning Board may require the applicant to undertake any additional studies which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.
2. INDEPENDENT TECHNICAL REVIEW: The Planning Board may require that an independent consultant(s) acceptable to the Planning Board review one (1) or more submissions of an application. The independent consultant(s) shall report to the Planning Board as to the project's compliance or noncompliance with the applicable provisions of this Ordinance and recommend, if appropriate, those actions which will result in compliance. Such consultants may include:
 - a. An Attorney;
 - b. A Land Use Planner with AICP certification or comparable credentials;
 - c. A Registered Professional Engineer;
 - d. A Registered Architect;
 - e. A Registered Landscape Architect;
 - f. A Registered Geologist;
 - g. A Licensed Soil Scientist;
 - h. A Registered Land Surveyor; or
 - i. Any other Registered/Licensed Professional or independent expert fully qualified and acceptable to the Planning Board.

The consultant(s) selected shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost in accordance with Section 9.

SECTION 6 - REVIEW CRITERIA

No application for Large-Scale Water Extraction activities for transport out of the Town of Hancock shall be approved unless the Planning Board makes positive written findings that the applicant has submitted clear and convincing evidence that the following criteria has been or shall be met. The burden of proof is solely on the applicant.

1. Adequate provision has been made for off street parking and loading in accordance with the standards of the Environmental Control Ordinance;
2. Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of, and within the proposed project in accordance with the standards of the Environmental Control Ordinance. The Planning Board shall consider traffic movement both on-site and off-site in making its determination under this criteria;
3. Any traffic increase attributable to the proposed project will not result in unreasonable congestion, a reduction in the level of service, or unsafe conditions on a road in the vicinity of the proposed development. Additional vehicular demand on existing Town roads or public easements occasioned by the operation of the extraction facility(ies) will not exceed the capacity of those roads, or cause the premature failure, aging or diminished utility of those roads as determined by the Town Road Commissioner, and/or State of Maine Department of Transportation;
4. That the proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems, and/or any other adverse effects of inadequate drainage;
5. Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site;
6. Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property;
7. Adequate provision has been made with regard to Buffers, Screening, Landscaping, and the preservation and Enhancement of Significant natural features in accordance with the standards of the Environmental Control Ordinance;
8. Adequate provision has been made to avoid unreasonable adverse effects on the scenic or natural beauty of the area, aesthetics, historic sites, rare and irreplaceable natural areas, existing uses, air quality, water quality, or other natural resources within the town or in neighboring towns. The applicant has complied with the requirements of 38 M.R.S.A. § 480-D, Paragraph 3, Harm to Habitats and Fisheries;
9. Whenever a project is situated, in whole or in part, within two hundred fifty feet (250'), horizontal distance, of the normal high-water line of any water body, or within two hundred fifty feet (250') horizontal distance, of the upland edge of a freshwater wetland, or within seventy five feet (75'), horizontal distance, of the normal high-water line of a stream,

adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities, and actual points of public access to waters;

10. Adequate provision has been made to prevent any significant adverse effect upon the public health, safety, or general welfare of the neighborhood or community;
11. Adequate provision has been made to prevent any undue adverse effect upon the property values of adjacent or nearby properties;
12. The proposed project will not exceed the capacity of existing municipal roads or services necessary to support the project, or has made adequate financial provisions, acceptable to the Town's Board of Selectmen, to fund the cost of road improvements and increased municipal services that may be necessary to support the project.
13. Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements in accordance with the standards of the Environmental Control Ordinance;
14. Technical expertise and financial capability. The applicant has demonstrated to the Planning Board that it possesses the technical expertise and financial resources to provide continuing adherence and capacity to meet the requirements of this ordinance;
15. Sustainability of aquifer characteristics. The quantity of groundwater proposed to be extracted will not cause adverse impact to the groundwater flow patterns relating to the aquifer or its recharge areas, related springs or other groundwater resources;
16. Sustainability of aquifer production. The quantity of groundwater proposed to be extracted will not adversely affect the long-term sustainability of the aquifer, groundwater resource recharge areas, or other groundwater resources, during periods of drought or due to reasonably anticipated changes in the recharge capacity of the affected groundwater resources;
17. Sustainability of surface water characteristics. The quantity of groundwater to be extracted will not adversely impact, significantly diminish, or alter the characteristics of any surface waters, including during periods of drought;
18. Land subsidence. The quantity of water to be extracted will not cause any ground subsidence on the parcel on which groundwater extraction is taking place or in the vicinity of the parcel on which groundwater extraction activities are proposed;
19. Sustainability of water quality. The proposed extraction will not create a health risk or create adverse impacts, such as drinking water turbidity, reduced clarity, or new odors within existing groundwater resources from the disturbance of existing geologic materials within the aquifer, or from any other cause related to the proposed groundwater extraction activity;
20. Monitoring Plan. Adequate provision has been made to ensure that a monitoring plan meets the requirements as described in Section 4.C.9;

21. Sustainability of preexisting domestic use of groundwater. The applicant assumes and shall be individually responsible for any and all liability for the loss, interruption, degradation or interference with the preexisting use or beneficial domestic use of groundwater enjoyed by person caused by the applicant's participation in Large-Scale Water Extraction activities. For the purposes of this section "beneficial domestic use," "groundwater" and "preexisting use" shall be as defined by 38 M.R.S.A. § 404, Paragraph 1A through 1C and liability of applicant shall be for compensatory damages in accordance with 38 M.R.S.A. § 404.;
22. Performance Guarantee. No approval shall be made without a surety bond or an equivalent and appropriate security, including anticipated inflation, in an amount as determined and approved by the Hancock Board of Selectmen in consultation with the Town Attorney to secure performance of the activities permitted to an applicant seeking to engage in groundwater extraction activities and to ensure compliance with such conditions as the Planning Board may impose in connection with such authority;
23. Pipeline use. If extraction facility(ies) will be served by pipes, pipelines, aqueducts or similar devices, such installations will be sited and constructed in a manner which shall not unduly interrupt the public use of any existing roadway, the public's access to any public facility, great pond, and access to private property; or pose the risk of damage to any property along or through which installation traverses as a result of any failure or malfunction which might cause ponding, erosion, run-off, or similar conditions; and
24. Adequate provision has been made to assure that the proposed development conforms in all respects with the provisions of this Ordinance and all applicable State laws and regulations and local ordinances.

SECTION 7 - PERFORMANCE GUARANTEE

No approval shall be made without a surety bond or an equivalent, including anticipated inflation, as determined by the Hancock Board of Selectmen in consultation with the Town Attorney to secure performance of the activities permitted to an applicant seeking to engage in groundwater extraction activities and to ensure compliance with such conditions as the Planning Board may impose in connection with such authority. The bond or surety shall be in an amount approved by the Board of Selectmen.

SECTION 8 - TERMS OF APPROVAL, RENEWAL, EXPANSION, TRANSFER AND DISCONTINUANCE

- A. TERMS OF APPROVAL. Permits shall be issued for a period of three years.
- B. RENEWAL. Permits may be renewed subject to the review criteria of this section. At the expiration of the three-year period, any such water extraction activities shall require the water extractor(s) to file for and receive approval according to the renewal procedures, terms and review criteria of this section. Any application for a renewal permit must be filed with the Planning Board not less than 90 days prior to the expiration of the existing permit.

With respect to an application for a permit renewal, after notice, public hearing, deliberation and decision as referred to in Section 5, the Planning Board shall issue a Finding of Fact either granting or denying approval of the renewal permit for another three-year period. The Planning Board shall grant approval, provided:

1. There is no increase in the permit holder's extraction activities in terms of the quantity of water to be extracted;
2. There is no change in the location or configuration of the extraction facility;
3. There has been no uncorrected failure by the permit holder to comply with any conditions of the expiring permit;
4. There has been no uncorrected failure by the permit holder to meet the requirements applicable to the expiring permit;
5. The permit holder has conformed to the required monthly monitoring reports to the Code Enforcement Officer and Planning Board; and
6. There is no significant, credible evidence that the permit holder's continuing operations would be unable to meet the requirements of this ordinance during any renewal period.

C. **EXPANSION.** If the applicant proposes to expand their operation with regard to quantity of water to be extracted, change in number, location or configuration of wells, increase in traffic or increase in size of facility, they shall follow the complete application process.

D. **TRANSFER OF OWNERSHIP.** Any transferee of ownership of a facility subject to the provisions of this Ordinance shall be precluded from all extraction activities until:

1. The transferee applies to the Planning Board and the Planning Board approves the transfer of the existing permit for the remaining term of the application of the transferor's permit;
2. The Planning Board is satisfied that the transferee has the technical expertise and financial capability to provide continuing adherence to meet the requirements of this Ordinance;
3. The transferee shall satisfy the requirements of all performance guarantees; and
4. The Transferee shall agree to all the requirements and conditions of the original approved application.

E. **DISCONTINUANCE OF PERMIT.** The permit holder is required to inform the Town of Hancock if and when extraction points are going to be nonfunctional. If an existing or permitted Large-Scale Water Extraction activity is discontinued for more than one year, such activity shall require application for a new permit.

In addition, after notice and hearing, the permit for Large-Scale Water Extraction activities may be discontinued by the Board of Selectmen in consultation with the Town Attorney during the three-year term of the permit for significant violations and/or variations of the conditions of permit.

SECTION 9 - ADMINISTRATIVE FEES

A. GENERAL PROVISIONS

1. **APPLICATIONS CONSIDERED INCOMPLETE UNTIL PAYMENT OF REQUIRED FEE.** Applications for any of the permits, approvals, or certificates specified below which are not accompanied by the required fee shall be considered incomplete and no action will be taken on said application until the required fee has been received by local officials.
2. **FEE TO BE PAID TO TOWN.** All fees shall be paid in the form of a check, cash or suitable legal tender, to the Town of Hancock and the purpose of the fee shall be clearly indicated on the receipt for same.

3. APPLICATION PROCESSING FEES. The Application Processing Fees required to cover the administrative handling costs associated with Site Plan review under this Ordinance are as follows:

The non-refundable fee to accompany the application as the same may be established from time to time by the Board of Selectmen, after notice and hearing. The fee shall reflect the reasonable cost of processing, review, regulation and supervision of the application. (see Fee Schedule)

4. TECHNICAL REVIEW FEE. In addition to the Application Processing Fee, the applicant shall be required to pay an additional fee as the same may be established from time to time by the Board of Selectmen, after notice and hearing. (see Fee Schedule) This fee is to be used to reimburse the time and expenses incurred by the Town and such other independent consultant(s) the Planning Board may deem necessary to assist it with its review of the application. Such other consultants may include:
- a. An Attorney;
 - b. A Land Use Planner with AICP certification or comparable credentials;
 - c. A Registered Professional Engineer;
 - d. A Registered Architect;
 - e. A Registered Landscape Architect;
 - f. A Registered Geologist;
 - g. A Licensed Soil Scientist;
 - h. A Registered Land Surveyor; or
 - i. Any other Registered/Licensed Professional or independent expert fully qualified and acceptable to the Planning Board.

This Technical Review Fee shall be paid prior to the start of the Planning Board's review of any application for water extraction. This fee shall be paid in the form of a check, cash or suitable legal tender, paid to the Town of Hancock and the purpose of the fee shall be clearly indicated on the receipt for same.

If the balance of the unexpended funds are drawn down by fifty percent (50%) or more, the applicant shall be notified and required to pay an additional amount as the same may be established from time to time by the Board of Selectmen, after notice and hearing (see Fee Schedule). The applicant shall continue to be notified and required to pay the appropriate additional amounts as necessary whenever the balance of the funds is drawn down by 50% of the original amount. Failure to pay the required amount within 30 days shall also be a violation of this Ordinance and be cause to stop the review process.

Any balance remaining, after the completion and inspection of required improvements, shall be returned to the applicant.

5. OTHER FEES. The applicant shall be required to bear full costs of all notices, inspections, consultants, and enforcement.

SECTION 10 - ENFORCEMENT

Enforcement procedures and legal action will be in conformity with those of the Hancock Environmental Control Ordinance, Section 10.

As an additional means of enforcement, the Board of Selectmen may suspend or revoke any permit issued hereunder if it determines, after notice and hearing, that it was issued in error or upon incomplete or false information, or that applicant has failed to comply with any conditions of approval, and upon such suspension or revocation all water extraction addressed by said permit shall cease until a new approval or permit is obtained under this ordinance by the applicant.

SECTION 11 - MISCELLANEOUS

- A. AMENDMENT AFTER APPROVAL. No modifications shall be made in an approved application unless they have been resubmitted to and approved by the Planning Board. The intensity of the review will be determined by the Planning Board, and depends upon the complexity of the proposed alteration.
- B. ADMINISTRATIVE APPEALS. All administrative appeals shall follow the procedure outlined in Section 11. of the Environmental Control Ordinance.

SECTION 12 - AMENDMENT OF THIS ORDINANCE

The process for amending this Ordinance is as follows:

- A. INITIATION. A proposal to amend this Ordinance may be initiated by:
1. The Planning Board, by majority vote;
 2. The Board of Selectmen, through a request to the Planning Board; or
 3. The Public, through a written petition signed by at least fifty (50) residents registered to vote in the Town of Hancock. When an amendment to this Ordinance is proposed by other than the municipal officers or Planning Board, a fee of one hundred dollars (\$100) shall accompany the proposal to cover the cost of review, hearings, and advertisements. This fee is non-refundable.
- B. PROCESS OF ADOPTION. The process to be followed in adopting an amendment to this Ordinance is as follows:
1. Proposed amendments must first be submitted to the Planning Board for their consideration;
 2. The Planning Board, shall, within thirty (30) days of receiving proposed amendment, set a date to hold a public hearing on the proposed amendment;
 3. Notice of the public hearing shall be given as required by State Law;
 4. The Planning Board shall make its official report at a Board of Selectmen's meeting occurring within sixty (60) days after the public hearing;
 5. Enactment of proposed amendment that does not have the support of the majority vote of the Planning Board shall require a two-thirds (2/3) vote of the voters voting at the Town Meeting; and
 6. Enactment of a proposed amendment having the approval of the Planning Board shall require only a majority of the voters to enact that amendment.

SECTION 13 - DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

1. In this Ordinance, certain terms or words should be interpreted as follows:
 - a. The word “person” and “applicant” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
 - b. The present tense includes the future tense, the singular number includes the plural and plural includes the singular;
 - c. The word “shall” is mandatory;
 - d. The word “may” is permissive;
 - e. The words “used” or “occupied” includes the words “intended”, “designed”, or “arranged to be used or occupied”; and
 - f. The word “dwelling” includes the word “residence”.
2. Terms not defined shall have the customary dictionary meaning.

B. DEFINITIONS OF WORDS: For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

AGRICULTURE: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

AQUIFER: An underground body of water and earth, sand, gravel, or rock that contains sufficient saturated permeable geologic material to hold, conduct and yield significant quantities of groundwater to wells and springs. The term "aquifer" as used in this article includes all areas specifically mapped or identified on the current maps issued by the Maine Geological Survey.

COMMERCIAL USE: The use of lands, buildings, or structures, the intent and result of which activity is the production of income from the buying and selling of goods and/or services.

DROUGHT: A period of abnormally dry weather that is sufficiently prolonged to cause serious hydrologic imbalance in the affected area. It is possible to index the severity of a drought by an impact grading system.

DWELLING: A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings.

EXPANSION: An increase in the water extraction operation with regard to quantity of water to be extracted, change in number, location or configuration of wells, increase in traffic or increase in size of facility.

EXTRACTION POINT and EXTRACTION FACILITY: The physical location where groundwater is extracted from the ground by the use or development of springs, wells, pumps, piping apparatus, catchments, weirs or other extractive devices, methods or technologies.

GROUNDWATER: Underground water resources located at or below the water table and within the pore space of unconsolidated sediments or in fractures in bedrock.

HISTORIC OR ARCHAEOLOGICAL RESOURCE: Any site, building, structure or object, significant in American history, architecture, archaeology, engineering or culture, that are listed in the National Register of Historic Places (see 16 U.S.C.470w(5); 36CFR 60 and 800).

INDUSTRIAL USE: Use of a premises for assembling, fabricating, finishing, manufacturing, packaging, or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

LARGE-SCALE WATER EXTRACTION ACTIVITIES: Extraction of 5,000 or more gallons of water from a single or multiple extraction points located within the Town of Hancock within any twenty-four-hour period by any individual, business association or entity, consortium or association of related individuals or related business entities for transport out of the Town of Hancock.

LEVEL OF SERVICE: A qualitative measure that incorporates the collective factors of speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience, and operating costs provided by a highway facility under a particular volume condition, as established by the Institute of Transportation Engineer's Transportation and Traffic Engineering Handbook, 2nd edition (or updates).

PUBLIC FACILITIES: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity

PUBLIC WATER SYSTEM: A public water system is defined at 40 CFR 141.2, in the Code of Federal Regulations and in the Maine Rules Relating to Drinking Water at 10-144E Chapter 231 Section 2. By this definition a public water system delivers water through a set of pipes for human consumption and has at least 15 service connections, or regularly serves at least 25 residents for 60 or more days per year.

TOWN: The Town of Hancock, Maine.

TRANSPORT or TRANSPORTING: To convey or carry from one place to another.

WATER BODIES or SURFACE WATERS: Lakes, ponds, rivers, streams, wetlands, and similar surficial water bodies.

WATER EXTRACTION: The taking, withdrawal, or removal of water from groundwater or surface water sources, including aquifers, springs, wells, lakes, ponds and streams, or the like, by the same individual or entity, or consortium or association of individuals or entities, regardless of the number of extraction facilities utilized.

WATERSHED or DRAINAGE BASIN: The area of land in which all precipitation (rainfall, snow melt, etc.) drains towards a single location or area and water body or watercourse. Ridges of higher ground generally form the boundaries between watersheds. At the linear boundaries of a drainage basin, precipitation falling on one side flows towards the low point of one drainage basin while precipitation falling on the other side of the boundary flows towards the single location or area and water body or watercourse of the adjacent drainage basin.

WATER TABLE: The level of the surface of groundwater or the water saturated zone within the underground substrate. The location of a water table is revealed by the level at which water stands in a well open along its length and which penetrates into adjacent groundwater resources.

ZONE OF CONTRIBUTION: The area of an aquifer that is capable of contributing groundwater to a well or other extraction point under the most severe pumping and limited recharge conditions that can be realistically anticipated, (i.e., 180 days of pumping at the maximum approved yield rate with no recharge of the groundwater resources from precipitation). A zone of contribution is bounded by groundwater divides which are evidenced by the pumping of the well and/or by the contact zones of supplying aquifers with adjacent low-permeable geologic materials such as glacial till or bedrock. Depending on local geologic and hydrologic conditions, surface water bodies, such as rivers, streams, wetlands, ponds or lakes, may act as recharge boundaries and define a zone of contribution. In all cases, a zone of contribution will extend upgradient within the related aquifer areas to the point of intersection of the aquifer with prevailing site-specific hydrogeologic boundaries such as a groundwater divide, a contact zone with low-permeable geologic materials, such as glacial till or bedrock, or a recharge boundary which may be demarcated by a surface water body.

ZONE OF INFLUENCE: The area surrounding a pumping well within which there are or will be physical changes in the water table due to groundwater relocation, extraction or withdrawal or the interruption of groundwater recharge conditions.